day observance bill; to the Committee on the District of Columbia.

1312. By Mr. TAYLOR of Colorado: Petitions from citizens of Clifton, Colo., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1313. Also, petition from citizens of Palisade, Colo., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1314. Also, petition from citizens of Kline, Colo., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1315. Also, petition from citizens of Dolores, Colo., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1316. Also, petition from citizens of Fruita, Colo., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1317. Also, petition from citizens of Cedaredge, Colo., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1318. Also, petition from citizens of Durango, Colo., and vicinity, protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1319. By Mr. WARE: Petition of Mrs. R. W. Moor and others, protesting against House bill 78; to the Committee on the District of Columbia.

1320. Also, petition of Mrs. Hezzy Romans and others, protesting against House bill 78; to the Committee on the District of Columbia.

1321. By Mr. WATSON: Resolution adopted by Patriotic Order Sons of America of Pennsylvania, favoring enactment of more rigid enforcement of immigration laws; to the Committee on Immigration and Naturalization.

1322. Also, petition from members of the Woman's Christian Temperance Union, in protest against the billion-dollar Navy building program and favoring negotiations of treaties to prevent war; to the Committee on Naval Affairs.

1323. By Mr. WEAVER: Petition of citizens of Buncombe County, N. C., protesting against the passage of House bill 78; to the Committee on this District of Columbia.

1324. By Mr. WILLIAMS of Missouri: Petition of Mrs. Thomas E. Blair and 127 others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1325. Also, petition of G. W. Henson and 18 others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1326. Also, petition of W. W. Murry and 114 others, protesting against the passage of House bill 78; to the Committee on the District of Columbia .

1327. By Mr. WILLIAMSON: Petition of certain citizens of Oacoma, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1328. Also, petition of Mrs. Chas. Shaffer and other residents of Perkins County, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1329. Also, petition of certain citizens of Lead, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1330. By Mr. BROWNE: Petition of citizens of Waushara County, Wis., protesting against House bill 78, and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1331. By Mr. WYANT: Petition of 200 citizens of Westmoreland County, Pa., against compulsory Sunday observance as proposed in Lankford bill (H. R. 78); to the Committee on the District of Columbia.

SENATE

WEDNESDAY, *January 11, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Lord God, grant to each and all of us to be so true to our high calling here on earth that we may serve Thee with joy and without fear; that when each in his own appointed time shall be summoned to join the great company of departed souls we may pass hence in peace, looking humbly for that fuller light which shall break upon us, when the morning is come upon the unseen shore. Grant this O Lord for His sake, who is our life and in whose presence is fullness of joy, Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Sheppard
Barkley	Ferris	McLean	Shipstead
Bayard	Fess	McMaster	Shortridge
Bingham	Fletcher	McNary	Smoot
Black	Frazier	Mayfield	Steck
Blaine	George	Metcalf	Steiwer
Blease	Gerry	Neely	Stephens
Borah	Gillett	Norbeck	Swanson
Bratton	Gould	Norris	Thomas
Brookhart	Greene	Nye	Trammell
Broussard	Hale	Oddie	Tydings
Bruce	Harris	Overman	Tyson
Capper	Harrison	Phipps	Wagner
Caraway	Hayden	Pine	Walsh, Mass.
Copeland	Heflin	Pittman	Walsh, Mont.
Couzens	Howell	Ransdell	Warren
Curtis	Johnson	Reed, Pa.	Waterman
Cutting	Jones	Robinson, Ark.	Wheeler
Dale	Kendrick	Robinson, Ind.	Willis
Deneen	King	Sackett	
Dill	La Follette	Schall	

Mr. ROBINSON of Indiana. My colleague the senior Senator from Indiana [Mr. WATSON] is necessarily absent. I ask that this announcement may stand for the day.

Mr. GERRY. I wish to announce that the Senator from Missouri [Mr. REED] is unavoidably detained from the Senate.

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

FOOT-AND-MOUTH DISEASE

Mr. KENDRICK. Mr. President, I hold in my hand a copy of the Live Stock Markets, a paper published by the John Clay Commission Co., of Chicago, and others, of our central markets. This paper contains an editorial entitled "Breakers ahead," and sounding a timely warning against the importation into this country of any livestock or livestock products from those countries that are known to be infested with foot-and-mouth disease.

The editorial is written in strong, concise, and most convincing language. The writer, Mr. John Clay, is one of the really great authorities on the livestock industry of the Nation. He has been for nearly 50 years a successful producer, on a large scale, of both cattle and sheep on the western plains and in the Rocky Mountain territory. For nearly 40 years he has been at the head of one of the great livestock commission companies, with houses located in practically every one of our largest market centers. In addition to these activities, he has been for many years, and is now, at the head of and a directing force in a number of our western banking institutions and has rendered great service in furnishing funds for the rehabilitation of the livestock industry following its recent period of severe depression.

In addition to his intimate knowledge of the industry in this country, Mr. Clay, as a boy in Scotland, and since in frequent visits to his native land, has had unusual opportunities to observe the ravages of the foot-and-mouth disease in its effect upon livestock. Because of such intimate knowledge, his warning is entitled to special consideration at this time.

Without doubt the country will approve to the fullest extent the sentiment expressed in this editorial because of the Nation's recent experiences with this dread disease. In the outbreak of 1914–15, 172,222 animals were destroyed, with an appraised value of $5,865,720. There was expended in eradicating this outbreak, including the value of the animals slaughtered, the expense of their burial, supplies, and work of disinfection, approximately $9,000,000. In the more recent outbreak of 1924–25 the figures show 142,152 animals destroyed, appraised value $4,919,538.86, and the amount expended $7,434,908.22. In each instance one-half the expense was born by the Federal Government and one-half by the States involved.

It will be recalled that less than two years ago the President, in one of his messages to Congress, called attention to the unusually adverse conditions prevailing in our livestock industry, and pointed out the necessity of rendering such consistent aid as could be given toward its rehabilitation. Very recently there has seemed to be some improvement in the unhappy condition of this industry, and in the face of such upward trend it would be especially inopportune to invite another disaster such as infection in our herds and flocks would surely mean.

Because of its extreme importance at this juncture I ask to have the editorial inserted in the RECORD, and I earnestly commend it to the attention of every Member of this body who is interested in the protection and preservation of the herds and flocks of the Nation.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

There is evidently a quiet movement going on in Government circles to let in Argentine beef to the United States. Conversations being had in Washington, D. C., are paving the way for what may turn out to be a national catastrophe. The Argentine is full of foot-and-mouth disease. No effort is made to stamp it out. We know what happened to us in 1914–15. Our authorities, both National and State, went at it vigorously and stamped it out.

Foot and mouth is most deadly in the case of pregnant animals. There the death loss is considerable, more especially among ewes and sows. When I was a young farmer in Scotland we paid little attention to this disease. If by chance it visited your farm and attacked your feeding cattle or your wethers on turnips and grain, it put them back a month or more. If it got into your ewe flock at lambing, that spelt disaster.

It is a most insidious disease. It comes out of the sky. Great Britain has it most of the time. It pops up in unexpected places. Hundreds of thousands of pounds sterling have been poured into stamping it out, but it breaks out, and only a day or two ago I noticed where a half dozen herds and flocks in one neighborhood were affected. And yet no live animals—cattle, sheep, or hogs—are allowed into Great Britain except under a very strict quarantine. The supposition is that it reached that country through straw used for packing, or from people coming from an infected zone. In fact, science has failed to find the source of the disease.

Now, if we allow Argentine cattle into this country, dead or alive, we are pretty certain to get the disease. When it comes, as come it will, it may be handled promptly and squelched, but safety first. The real story of the ravages of this disease is told in Great Britain. It wanders through English counties, up and down Scottish vales. What would happen if it got among the big herds of Texas? Fancy the Matador herd going into trenches and ruthlessly killed, as we had to do 12 or 13 years ago in Illinois.

And yet knowing all this Washington is silently conversing on the subject of reinstating the entrance of this Argentine beef to our country. The red signal of danger does not stop them.

They are riding for a fall. The country must rise in its might and stop the desecration of our farms and ranches, the ruin of our already severely taxed property holders.

For seven years we have faced the "slings and arrows of outrageous fortune." Are we to face another catastrophe which will in the end affect the whole Nation: First, the livestock men; second, the bankers; and, third, the community at large?

JOHN CLAY.

The following paragraph from the North British Agriculturist, Edinburgh, emphasizes the virulency of this disease:

THE ELUSIVE VIRUS

"Details as to the length of time the virus of foot and mouth can be effective were given recently by Mr. F. C. Minnett, of the Institute of Animal Pathology, in London. In 1926 evidence proved that the disease was carried into this country (England) through the medium of fresh pig carcasses from the Continent. Experiments had proved that in the bone marrow of chilled and salted carcasses the virus survived at least 42 days, and in the bone marrow of frozen beef carcasses for at least 76 days. The virus had been proved to be highly resistant to destruction by carbolic acid, lysol, and certain coal-tar disinfectants. Experiments pointed to formalin being a reliable agent for general disinfection, such as the outside of ricks or contaminated animal hides. Mr. A. Arkwright, of the Lister Institute, said that all attempts to propagate the virus had failed, the virus having been observed to multiply only on the living tissues of animals."

THE RADIO SITUATION

Mr. COPELAND. Mr. President, on last Monday the Senator from Idaho [Mr. BORAH] presented for printing in the RECORD a letter from the Technical Radio Laboratory at Newark, N. J. I have here a reply to this letter from the radio commissioner from the first zone, Commissioner Caldwell. I ask unanimous consent that, without reading, it may be printed in the RECORD in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

FEDERAL RADIO COMMISSION,
Washington.

Senator ROYAL S. COPELAND,
United States Capitol, Washington, D. C.

DEAR SENATOR COPELAND: Noting the letter from Mr. D. W. May, of radio station WTRL, Midland Park, N. J., on page 1157 of the CONGRESSIONAL RECORD for Monday, January 9, 1928, commenting on the general radio situation and on his experiences with the Federal Radio Commission, it occurs to me that you and other Members of the Senate may wish to know more of the exact status and facts concerning station WTRL and the reasons why, in the public interest, the demands of its management could not be acceded to by the radio commission.

Station WTRL came on the air with 15 watts power on December 17, 1926. This was during the breakdown of the radio law and at a time when the former radio authorities had warned all stations that thus to come on, or to change wave length or power, would speedily wreck the former orderly radio system. Nevertheless, WTRL started up and "pirated" channel 1,070 kilocycles.

On June 15, 1927, after the Radio Commission had completed elaborate studies and designed a new reallocation of all broadcasting stations to bring about order in the air once more and to eliminate the interference and chaos created by the outlaw stations, station WTRL was assigned by the commission to 1,450 kilocycles, continuing with its original 15 watts power.

Station WTRL's opposition to the Radio Commission since that date has grown out of its efforts to secure a preferable wave length; that is, a wave length more comparable to that which the station appropriated for itself when there was no law. The commission would certainly have liked to have given Mr. May such a desirable channel for WTRL, but, unfortunately, all the channels were full, and there were 48 stations to be taken care of in the congested New York City area, in which WTRL is located, and 45 of these stations had come on the air before WTRL.

WTRL was therefore continued licensed by the commission to operate on 1,450 kilocycles, with its original power of 15 watts. This channel, far from being undesirable, as was formerly supposed by many, is now in the midst of a group of assignments of 5,000, 10,000, and even 50,000 watt (ultimate) stations, which have chosen this wave-length region because of its greater distance-carrying power.

Although station WTRL has been licensed continuously since it opened, there seems to be considerable question whether it has ever sent out regular or consistent programs, or even any programs at all.

The radio division of the Department of Commerce reports that its New York radio inspectors, who daily and nightly measure the transmissions of local New York and New Jersey stations, have never once been able to find WTRL on the air.

Also, since December 1, 1927, requests by the commission to the station for newspaper clippings listing its programs during recent weeks have brought no response, and as a result no copies whatever of its programs are in the files of the commission, as in the case of other stations.

Yet this is the station without any record of any public service whatever, or even of operation, which Mr. May demanded to have increased from 15 watts to 1,000 watts, over the heads of some thirty other local stations, all older, and to have assigned to channel 770 kilocycles, a channel used by a popular group of Chicago stations, transmitting independent programs.

To have acceded to Mr. May's demands would have worked a rank injustice to hundreds of other and older stations, situated throughout the country, which are similarly requesting power increases. Furthermore, such an assignment of WTRL (1,000 watts on 770 kilocycles) would have produced a whistle or heterodyne on the Chicago station's program over the entire United States, outside of a 25-mile radius around Chicago, thus denying that Chicago station's program to a population of some 60,000,000, who could have heard only a loud whistle on that channel had Mr. May been permitted to increase his power and go on it.

Incidentally it should be mentioned that the Chicago stations on 770 kilocycles protected in this way by the refusal of the New York commissioner to approve Mr. May's application is connected with no "chain" or network, but operates independent programs. This Chicago station's unduplicated programs are therefore of particular interest to distant listeners throughout the entire central part of the country.

Besides being offered a public hearing on his application for 770 kilocycles (which Mr. May refused, as the correspondence in the commission's files clearly shows) the whole foregoing interference situation which would follow upon increase of WTRL's power was repeatedly explained to Mr. May and to this attorney, Mr. Green, at a series of four or five conferences at New York City, each conference requested by Mr. May in order to save him the trips to Washington. In fact, probably more time has been spent by the New York commissioner and former Secretary Pickard in trying to aid Mr. May, while doing justice to other small stations, than with any other broadcaster. Mr. May's response to such a helpful attitude on the part of the radio commissioners is manifested by the unfair and incorrect statements contained in his letter.

This Mr. May, of WTRL, is the same D. W. May who has figured in a number of radio-station transfers and deals in the New York area. His latest transaction of the kind, prior to WTRL, was the starting and sale of the 500-watt WDWM (the call letters standing for his initials), which also he put on the air during the breakdown of the law on November 22, 1926, against the urging of the authorities, and as a result causing serious interference with local and distant stations.

In this case also Mr. May felt that despite the newness of WDWM and its position of forty-third in the local field of 48 stations, he should be allowed to retain the preferable wave length which he had pirated for WDWM during the law's breakdown.

After preliminary discussions with me as commissioner for his zone, during which lengthy discussions I made particular effort to be helpful to Mr. May, but not at the expense of stations that had remained faithful to the public and to radio by keeping on their prescribed channels, Mr. May demanded a public hearing of his case before the whole commission. This hearing was immediately granted and was conducted by Commissioner E. O. Sykes, former presiding justice of the Supreme Court of Mississippi, sitting with three other original members of the Radio Commission, Admiral Bullard, Doctor Bellows, and myself. Copies of the proceedings of that hearing, occupying 147 typewritten pages, are on file at the commission's offices and can be examined by anyone interested.

After hearing and considering testimony by Mr. May, and by others who appeared against him, the entire commission unanimously denied WDWM's application to resume its former pirated wave length and ordered WDWM to remain on the lower wave length assigned it by the commission.

A week or two later Mr. May telephoned me requesting an appointment in New York to save him coming to Washington, in order to discuss a plan for moving out of the congested metropolitan area to Asbury Park, N. J., and I gladly assisted him in finding a wave length which would be available for use 50 miles from New York City. Later he told me he had sold his station WDWM to the city of Asbury Park, had made "a good thing out of it," and was very much pleased, thanking me for my help. That is the story of Mr. May's WDWM.

Regardless of Mr. May's expressed fears for the safety of the small broadcaster in his letter in the CONGRESSIONAL RECORD, a recital of the foregoing will indicate that the wave lengths and powers accorded Mr. May's two stations have been fairly and justly in accordance with the service records of those two stations, in comparison with the records of the 680 broadcasters who have been rendering public service long before Mr. May's station started out during the law's breakdown.

With respect to independent broadcasters, the attitude of the commission has always been particularly sympathetic toward the small stations and the independent operators, who make up by far the greatest number of the 680 stations on the air. Indeed, the small stations which are doing a good job in their communities have been given every possible advantage, and where such stations are in isolated regions, increases in power have been authorized for them up to the very limits of interference elsewhere. Unfortunately, however, as is generally known, we have not half enough channels to permit good service by our 680 stations. Nevertheless, the commissioners have struggled days, nights, and week ends with the problem of fitting in these small, independent stations by every ingenuity, so that all worth-while broadcasters might continue on their places on the air.

In his letter in the CONGRESSIONAL RECORD Mr. May further expresses great fear that the commission is assigning choice channels to some particular stations. If Mr. May is as familiar with the radio situation as is the average listener, he certainly knows that all of the 65 chain stations which he mentions are, with two or three exceptions, independently owned or controlled, and that these independent stations merely purchased their few hours of daily chain programs from a common purveyor of chain programs, known as a "chain service."

The manifest independence of the principal chain stations is evident upon reading over the accompanying list of the principal chain stations, taken at random:

The Courier Journal Co. and Louisville Times, WHAS, Louisville, Ky.
The Detroit News, WWJ, Detroit, Mich.
The Chicago Tribune, WLIB–WGN, Chicago, Ill.
Travelers Insurance Co., WTIC, Hartford, Conn.
Lit Bros. Department Store, WLIT, Philadelphia, Pa.
Congress Square Hotel Co., WCSH, Portland, Me.
Kaufman & Baer Co., WCAE, Pittsburgh, Pa.
United States Playing Card Co., WSAI, Cincinnati, Ohio.
Atlanta Journal Co., WSB, Atlanta, Ga.
Bankers Life Co., WHO, Des Moines, Iowa.
The Outlet Co., WJAR, Providence, R. I.
Worcester Telegram, WTAG, Worcester, Mass.
Pulitzer Publishing Co., KSD, St. Louis, Mo.
Palmer School of Chiropractic, WOC, Davenport, Iowa.
Washburn-Crosby Co., WCCO, Minneapolis, Minn.
Kansas City Star Co., WDAF, Kansas City, Mo.
National Life and Accident Co. (Inc.), WSM, Nashville, Tenn.
Memphis Commercial Appeal (Inc.), WMC, Memphis, Tenn.

The commission makes no apology for the stations which it has placed on the "distance" channels from 600–1,000 kilocycles. These stations, nearly all of them independently owned and operated, are distinctly the most popular stations in their respective communities, for they are invariably the stations having the best apparatus, the broadest programs, and the widest interest and the best individual records of faithful observance of radio's rules of the air.

They have been assigned preferred positions because of their individual local history and standings as stations, and not because of "chain" or other connections. In fact, some 20 of these stations had no chain service when given their present assignments by the commission, but have since chosen to contract for the program service offered by one of the chains. That they are free to do this is evident, since under the law of 1927 the commission expressly has no authority over programs.

And the supply of two hours of daily programs from a common source of program material certainly has no more relation to the independent character of the station than the supplying of two columns of syndicated news matter to the leading newspapers in 20 cities from a central news bureau would have on the independent control, character, or policy of those papers.

At present the time occupied by these chain programs averages less than two hours per day for each station, making such chain duplication of negligible importance. Later if this purely chain time increases, or as better individual programs are developed by other stations now below 1,000 kilocycles, such stations have, under the commission's procedure of hearings, recourse to contest with the present occupants the right to those "distance" channels. And they will be assigned these channels if it can be shown that such reassignment would, from the standpoint of diversification of programs, be in the greater interest of distant as well as local listeners.

Mr. May's statements declaring that the commission and its members are harsh and intolerant in their actions, and choose to disregard the advice of Members of Congress, are not only denied by the undersigned, but will properly be regarded as absurd by the many Members of both Houses who have repeatedly counseled with the radio commissioners in local and State situations, and who by supplying particular information of the standing of applicants in their communities, public interest rendered, etc., have greatly aided the commission in its handling of the purely radio aspects of such cases.

The members of the Federal Radio Commission invite the most thorough scrutiny of all their actions and operations as an official body during its hectic life of the past 10 months, knowing that all reasonable critics can be answered fully and to their satisfaction on every point which they may raise.

O. H. CALDWELL,
Commissioner, First Zone.

JANUARY 11, 1928.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 8269) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS

Mr. DENEEN presented resolutions adopted by the City Council of Chicago, Ill., favoring amendment of the so-called Volstead Act so as to permit the sale, manufacture, and transportation of light wines and beers for beverage purposes, and to provide for a referendum vote of the people to establish the sentiment of the majority on the question of the repeal of the eighteenth amendment to the Constitution, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Murphysboro, Ill., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. WARREN presented resolutions adopted by Commercial Club of Lovell, and the Lions Club and the Shoshone Project Farm Bureau, both of Powell, in the State of Wyoming, protesting against the passage of legislation to further restrict the immigration of Mexican citizens into the United States, which were referred to the Committee on Immigration.

Mr. LA FOLLETTE presented a memorial of sundry citizens of Kenosha, Wis., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. COPELAND presented petitions of sundry citizens of the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. TYSON presented a resolution adopted by the Southern Appalachian Coal Operators' Association, at Knoxville, Tenn., which was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

SOUTHERN APPALACHIAN COAL OPERATORS' ASSOCIATION,
Knoxville, Tenn., January 9, 1928.

The Southern Appalachian Coal Operators' Association, at a meeting in the offices of the association, Knoxville, Tenn., on Monday, January 9, 1928, passed, by unanimous vote, the following resolution:

"Whereas the business and industry of our country has been built up by the free play of competition and by freight rates adjusted so that distant points can compete with near-by points; and

"Whereas for the past several years there seems to be growing a sentiment in the Interstate Commerce Commission to base rates entirely on mileage and the commission seems to be expanding its own power to cover all business, as well as that of the railroads, and through the freight rates to zone all materials; and

"Whereas on December 31, 1927, the term of Commissioner John J. Esch expired and the President of the United States sent his name to the United States Senate for reappointment on the commission, and as Mr. Esch has served a six-year term as a member of the commission and was chairman of the commission and was also chairman of the House Committee on Interstate and Foreign Commerce and is, therefore, experienced and his character above reproach, but unfortunately has thrown the weight of his influence and opinion with that portion of the commission which is favoring basing rates on mileage only and the zoning of materials: Now, therefore, be it

"*Resolved*, That the Southern Appalachian Coal Operators' Association is opposed to this policy of the commission and opposed to the appointment or reappointment of any man or men whose views lead them to vote in favor of such methods of rate making or policies; and we are, therefore, opposed to the reappointment of Mr. John J. Esch; and we urge that Senators MCKELLAR, TYSON, SACKETT, and BARKLEY not only vote against Mr. Esch's reappointment but use their influence with other Senators to the same end, and in the future oppose on the floor of the Senate this un-American policy: Be it further

"*Resolved*, That a copy of this resolution be sent to the four Senators above mentioned."

R. E. HOWE, *Secretary.*

COMPARISON OF ELECTRIC RATES

Mr. DILL. Mr. President, I have an article from the publication called Labor, making a comparison of city-owned light plant rates on electricity with privately owned light plants, which I would like to have printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From Labor, January 4, 1928]

TACOMA SHOWING THE WAY—CITY-OWNED POWER AND LIGHT PLANT GIVES SERVICE IN THE HOMES FAR BELOW RATES OF PRIVATE COMPANIES

Labor has received an interesting letter from a good friend and subscriber, Homer T. Bone, who is port counsel of Tacoma, Wash. Tacoma is one of those backward "un-American" cities which goes in for public ownership of its power plant, and here is what Mr. Bone says:

"I enjoyed your editorial of December 17, 'Light bills of two cities,' comparing light rates of Washington City and Ottawa, Canada.

"We in Tacoma indulge in a friendly rivalry with our public-ownership friends in Canada and are always pleased to see the remarkable contrast between the low light rates enjoyed by Canadian cities under public ownership and those exacted from victims of the superior efficiency of private ownership across the line.

LOW RATES IN TACOMA

"Between November 15 and December 15, 1927, I used 686 kilowatt-hours of current in my home for domestic purposes on a lighting circuit. For this service I paid the city of Tacoma $8.75, or a trifle over 1.27 cents per kilowatt-hour.

"During that same period I used 1,563 kilowatt-hours of service in electric heating in my home. For this heating service I paid the city of Tacoma $7.80, or one-half cent per kilowatt-hour.

"It will be seen that I used in this 30-day period in my 10-room home a total of 2,249 kilowatt-hours of electric service for domestic and heating purposes, and for this I paid the city of Tacoma a total of $16.55."

Labor called up "Pepco," the private company which supplies Washington with current, to find out what the same amount of current, used in the same way, would cost in the capital of the United States.

"PEPCO'S" BILL IN WASHINGTON

The system of charges is rather confusing, but the company's expert worked out the charges as follows:

Lighting charge: Three hundred and sixteen kilowatt-hours, at a base rate of 5.9 cents per kilowatt-hour, $18.64; 370 kilowatt-hours, at a charge of 4.5 cents per kilowatt-hour, $16.65. Total charge for 686 kilowatt-hours on lighting circuit, $35.29.

Heating charge: Ten kilowatt-hours, at 5.9 cents per kilowatt-hour, 59 cents; 1,553 kilowatt-hours, at 3 cents per kilowatt-hour, $46.59. Total charge for 1,563 kilowatt-hours on heating circuit, $47.18.

Under public ownership in Tacoma Mr. Bone's lights cost $8.75 per month.

Under private ownership in Washington they would cost $35.29 per month.

Under public ownership in Tacoma his electric heaters cost $7.80 per month.

Under private ownership in Washington they would cost $47.18 per month.

Under public ownership the total charge was $16.55.

Under private ownership the total charge would be $82.47.

TRUST TRIES TO FOOL 'EM

Mr. Bone goes on:

"The municipal power development of Tacoma (owned by the people of Tacoma) will produce about $900,000 net profit for 1927. One can only wonder why the people of Washington permit themselves to be hi-jacked by private monopoly."

Echo answers: "Why?"

The power trust's answer would be: Washington depends on a steam plant, while Tacoma gets its "juice" from water power!

Mr. Bone answers that: "Out in this country publicity artists for the power trust are telling audiences that power can be produced as cheaply in a modern steam plant as from a hydroplant."

In other words, the trust tells one story where it is discouraging water-power development under public ownership and quite another story where it is defending extortionate rates under "private enterprise."

REPORTS OF COMMITTEES

Mr. NYE, from the Committee on Claims, to which was referred the bill (S. 511) to reimburse Horace A. Choumard, chaplain, in Twenty-third Infantry, for loss of certain personal property, reported it without amendment and submitted a report (No. 53) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 593) for the relief of W. H. Presleigh (Rept. No. 54); and

A bill (S. 1219) for the relief of William Mortesen (Rept. No. 55).

Mr. TRAMMELL, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1121) for the relief of Grover Ashley (Rept. No. 56);

A bill (S. 1133) for the relief of John F. White and Mary L. White (Rept. No. 57); and

A bill (S. 1362) to extend the benefits of the employees' compensation act of September 7, 1916, to Harry Simpson (Rept. No. 58).

Mr. TRAMMELL also, from the Committee on Claims, to which was referred the bill (S. 1217) for the relief of Albert Wood, reported it with an amendment and submitted a report (No. 59) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 457) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy, reported it without amendment and submitted a report (No. 60) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (S. 496) for the relief of M. Zingarell and wife, Mary Alice Zingarell (Rept. No. 61);

A bill (S. 1120) for the relief of Ella H. Smith (Rept. No. 62); and

A bill (S. 2363) for the relief of Richard Riggles (Rept. No. 63).

Mr. CARAWAY, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 516) for the relief of Minta Goike (Rept. No. 64); and

A bill (S. 1542) for the relief of Josephene M. Scott (Rept. No. 65).

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which was referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1313) to amend section 13, chapter 431, of an act approved June 25, 1910 (36 Stat. L. 855), so as to authorize the Secretary of the Interior to issue trust and final patents on lands withdrawn or classified as power or reservoir sites, with a reservation of the right of the United States or its permittees to enter upon and use any part of such land for reservoir or power-site purposes (Rept. No. 66); and

A bill (S. 1856) for the relief of the Gunnison-Mayfield Land & Grazing Co. (Rept. No. 67).

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1795) for the relief of Fannie M. Hollingsworth (Rept. No. 68); and

A bill (S. 1959) to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves (Rept. No. 69).

Mr. WALSH of Montana also, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment:

A bill (S. 1798) concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States; and

A bill (S. 1801) in reference to writs of error.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 1114) for the relief of James E. Fitzgerald, reported it with amendments and submitted a report (No. 70) thereon.

He also, from the same committee, to which was referred the bill (S. 1164) to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va., reported it without amendment and submitted a report (No. 71) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (S. 2365) for the relief of G. W. Rogers, reported it without amendment and submitted a report (No. 72) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (S. 601) for the relief of James E. Van Horne, reported it without amendment and submitted a report (No. 73) thereon.

ALLEGED MEXICAN PROPAGANDA

Mr. REED of Pennsylvania. Mr. President, from the special committee to investigate alleged payments to United States Senators by representatives of foreign governments, I ask leave to make a partial report (No. 52) and, speaking on a matter of highest privilege, I wish in a few minutes to make an explanation of the proceedings of the committee up to this time. I might say that copies of the report, and copies of the three volumes of the testimony which was taken, and copies of translations of the 71 documents which were produced in the committee, are available in the Chamber, and I have asked that they be placed on the desk of every Senator.

The committee met as soon after its appointment as it was possible to have a full attendance, I think, upon the fifth day after its creation. The first witness summoned was Mr. William R. Hearst, who is the proprietor of a chain of some twenty and odd newspapers which simultaneously published these documents which contained the charges against Senators.

Mr. Hearst laid before the committee 71 documents in the original which he said constituted the entire file that he had on this subject. Some of the 71 documents had been published in facsimile, some in translation, and some had not been published at all. They consisted of 35 letters purporting to have been signed by the President of Mexico, Mr. Calles; of 3 documents purporting to have been signed by the Secretary of the Mexican Treasury; of 7 messages in cipher or code; and of about 25 carbon copies of telegrams or of letters purporting to have passed from one Mexican official to another; some of them written in Mexico, some of them supposed to have been written in New York. The group of papers as a whole came from seven different Mexican Government offices in Mexico City and in New York City, and, according to the initials on the letters, had been typed by upwards of 14 different typists. It was not possible to determine exactly how many, but there were at least 14 typists employed.

Mr. Hearst testified that the first group of these papers had been obtained in Mexico City by his representative, Page, through an American of Mexican ancestry named Avila, who represented that he had bought them from Mexican clerks employed in Mexican Government offices. These papers were taken by Page to New York and submitted to Mr. Hearst in New York City. Hearst testified that he inquired whether every effort had been made to verify their genuineness and that he was assured that it had. He testified that he instructed his representatives to do everything they could to establish the genuineness of the documents.

After the first batch of papers had been produced by this Avila, a second group was obtained by him also in Mexico City. In both cases the only evidence of their origin or their genuineness or the fact that they were bought from Mexican Government clerks was the unsupported word of this Avila. He took money from the Hearst representative, he disappeared with the money, came back with these two groups of papers, and he represented, according to the testimony, that he had given the money to Mexican Government clerks in exchange for these documents. He also represented and testified to us that he saw a ledger sheet taken from the ledger in the office of the controller general of Mexico.

It was further testified that after the submission of the papers to Hearst in New York, Mr. Hearst went to California; that Page and Avila and one other representative of Hearst went to San Antonio; and that when they were there Avila represented to them that two men had come out of Mexico, one of whom was a clerk employed in the office of President Calles, that they had a number of documents sewed up in the interior of a mattress which they brought with them among their belongings; that they wanted $20,000 for these pretended documents which they said they had stolen from President Calles's office. There was no evidence that these men were there or that they brought the documents or that they sold them for money or that they got the money or that they were the source of the documents, except the unsupported word of Avila. He was told by the Hearst representatives that they would not pay over $12,000 for this batch of documents from President Calles's office. He went back, he states, to those Mexicans, offered them the $12,000, and he states they agreed to take it. He also states that they accepted the money, gave him the papers; and that he saw them cut out from the interior of the mattress in which they had been smuggled into the United States. Then he states that as proof of their good will they gave him a second batch of papers in San Antonio without any further charge. These papers also were represented as coming from President Calles's office. So there were four installments of documents, the origin of which depended entirely on the unsupported word of this Avila. He represented that he had paid up to that time out of the Hearst money something like fifteen or sixteen thousand dollars for these papers.

They were all taken to California and shown to Mr. Hearst and to his representatives who were there with him. Then he turned these documents over to some of his editors to handle their publication and their exploitation. They were taken to New York, and one of the editors decided that they ought to check on the genuineness of these papers and on the truth of Avila's story. So, in order to check on Avila's story up to that time, they employed the same man Avila to be "planted," as they called it, in the office of the Mexican consul general in New York City, there to steal what papers he could or buy what he could to corroborate the genuineness of the papers which had been produced.

After five or six weeks Avila did bring to them two instalments of carbon copies of papers which he represented he had purchased from a clerk named Tovias employed in the office of the Mexican consul general in New York; but there again there was no confirmation of his statement, and they had merely the unsupported word of Avila that that was the way he got them and that he had in fact paid the money that he said he had paid for these papers. So much for the origin of the papers.

Mr. Avila was the recipient of the $18,000 in money which he said he paid to the various clerks from whom he got the papers. He also testified that he himself got nothing out of this whole transaction except a $50-a-week salary paid to him by the Hearst newspapers or by Hearst himself.

Mr. Hearst further testified that he did not show or direct to be shown any of these letters to any of the Senators whose names are mentioned in them, and his reason for not directing that to be done, as I recall his words, was that that would mean their premature disclosure, or some such expression as that.

He further testified that he himself made no further effort to establish their genuineness than this. He did testify also that he understood they had been shown to the American Embassy in Mexico City and that some officials of the embassy there had said that they seemed to be genuine. Of course, he himself was not in Mexico and could not answer as to that of his own knowledge.

Then the committee took these papers and set to work on them. I am abbreviating the recital as much as I can in order to try to state merely the substance of what was done. We did not want to employ handwriting experts at high pay to establish any side of this controversy or to prove or disprove the documents, but we wanted, if we could, to get experts who had no money interest in the matter and were not employed to represent any particular side. So we appealed to the Treasury and the Navy Department, each of which has competent experts on that subject, and they were quite ready to assign those experts to us. That was done, and the papers were submitted to them, and those two experts reported that, in their opinion, there was no doubt whatever that all of the signatures were

spurious in so far as they were able to compare them with genuine signatures.

We were able to obtain genuine signatures of President Calles with which to check the 35 documents purporting to be signed by him and a genuine signature of the Mexican Secretary of the Treasury; so that 38 out of about 45 of the signed documents were capable of check. We had a treaty, for example, on the files of the State Department which contained President Calles's signature and we were given six letters by Hearst representatives which they said contained the genuine signature of President Calles. Comparing the signatures on the documents with these seven standards of the genuine Calles signatures and the one of L. Montes de Oca, the Secretary of the Mexican Treasury, these two experts said there was no doubt whatever in their minds but the whole bundle were frauds and forgeries.

That conclusion was made known to the counsel of Mr. Hearst, representing him here in Washington; extracts of those opinions of the experts were read to Mr. Hearst's counsel, and they then asked the committee the privilege of having their experts, designated by them, to examine these papers and pronounce for the Hearst organization on their genuineness. The committee gave them that privilege, and turned the documents over to the three Hearst experts. For many days they spent long hours in a careful study of these documents, and finally, at the conclusion of this long study, the three Hearst experts agreed with the two experts selected by the committee that every one of these Calles and L. Montes de Oca papers was a forgery.

If the Senate wants to see their reasons for that I suggest that they refer to the last page of volume 3 of the testimony which lies on the desks of Senators. There is a folded sheet which contrasts three genuine signatures of President Calles with 3 out of the 35 of the forged signatures. The genuine signatures are the odd numbers, Nos. 1, 3, and 5; the spurious signatures are Nos. 2, 4, and 6. It does not require an expert, in our judgment—and I might say that I believe that all I am saying on this subject is the unanimous view of our committee—to pronounce those signatures clumsy forgeries.

For example, in every one of the genuine signatures of President Calles there are five loops or angles in the word "Elias." In every one of the forged signatures there are only four. In every one of the genuine signatures the "i" of the name "Elias" carries its dot or accent. In no one of the spurious signatures does that dot occur.

The difference in the concluding flourish of the name is obvious. The curve is exactly reversed in the spurious signatures.

The shaping of the letters is different. The final "s" of the name "Calles" is always carefully formed in the forged signatures. It is never carefully formed in the genuine signatures; and I could go on for half an hour pointing out these items of difference. Suffice it to say that all the experts and all the members of the committee unhesitatingly pronounced every one of these Calles signatures to be fraudulent.

The committee then devoted itself to a study of the seven "code" messages which were accompanied by their translations, and which purported to show——

Mr. NORRIS. Mr. President, may I interrupt the Senator there, before he leaves the signatures?

Mr. REED of Pennsylvania. Yes; I yield gladly.

Mr. NORRIS. Did the committee and the experts reach the conclusion that the forged signatures referred to were the work of the same person in all instances?

Mr. REED of Pennsylvania. No. There are two or three signatures of President Calles that are obviously made by a different person from the one who signed the great mass of the Calles documents.

Mr. NORRIS. How many of the forged signatures or documents of the President of Mexico were forged by the same person?

Mr. REED of Pennsylvania. Apparently 32 out of the 35 were forged by the same person. Three were apparently forged by an extremely illiterate person, or some one who wrote like a schoolboy. They were very poor; even poorer imitations than these that we have copied here.

Mr. NORRIS. What were those three?

Mr. REED of Pennsylvania. Those three were carbon copies of what purported to have been letters sent out from his office. All that purported to be the originals of letters signed by President Calles were apparently forged by the same person.

The committee next devoted itself to a study of these "code" messages which were pretended confirmations of messages sent from Calles or from the Minister of Foreign Affairs in Mexico City to the consul general in New York. These confirmations were supposed to have been sent through the diplomatic pouch. Each code message had pinned to it the pretended translation in plain Spanish of the code message, and they purported to show the confirmation of this spending of money and its payment to Senators.

One of the first suspicious things about those confirmations was that one of them, by its date, left Mexico City on the 17th of July, 1926, and was stamped received in New York City by way of the diplomatic pouch on July 20. As there was no air mail between those cities, that was an obvious impossibility. It might have been an error, but it was one of the things that attracted our attention.

Through the courtesy of the Navy Department we were given the assistance of the very efficient code and cipher experts in that section of the Navy Department. They worked all day and all evening for over 10 days on these seven messages. At the end of the 10 days they testified to us that the code messages were a meaningless jumble of letters, not susceptible of being broken down as a code, because it never was a code; that they were made by somebody who tapped away on the left-hand upper corner of the typewriter keyboard and used only eight letters of the typewriter for most of the code words. They said it was not a code at all; that it was mere nonsense; and that it bore no relation whatever to the purported translation in plain Spanish; and Commander Studle, the head of that section, testified that he had no hesitation in pronouncing them all to be fakes.

The committee then set itself to a study of the errors in spelling and in grammar and in punctuation and in accentuation that were apparent in the documents. They were full of errors. Some of them had upward of 100 errors in a single letter, misplaced accents, omitted accents, misspelled words, errors in punctuation, and what not.

If Senators will look at the table which appears at the conclusion of volume 3, on page 294, they will see some of the results of that study. The letters were numbered at the time of their presentation to us by Hearst, and those numbers are used throughout.

In the upper block on that table are given the numbers and the stenographers' initials of the letters coming from the different offices. That shows the offices from which the various letters came. The table in the left-hand column gives a few of the characteristic errors that run through this series. One of them that I myself thought was very significant was a mistake in the abbreviation for the Spanish word that means "you."

In Spanish, as in English, abbreviations usually end with a period. They do in all modern languages. The man who wrote these documents followed the abbreviation "ud." that stood for the word "usted" with a comma. The committee consulted seven different scholars of Spanish, most of them Americans in birth and in allegiance, and most of them did not know that we were consulting the others. They all told us that that error, for example, was an idiosyncrasy that would be very seldom met with. Not one stenographer in a thousand would make such an error as that. It was like abbreviating "Mister" to read "Mr," instead of "Mr." Yet we found, when we came to study the documents, that papers ostensibly coming from seven different Mexican Government officers, from 14 or more stenographers in two cities, all of them, wherever they used that word at all, contained that curious little error, indicating to our minds, when taken in conjunction with all the other errors which are listed here, and still others, that the same person operated the typewriter that made all of these documents. We had no doubt whatever but that that coincidence of error, running throughout these documents—and that is only one of several—showed that the same person had typed them, just as we think the same person had signed 32 out of the 35 forged letters of President Calles.

When we got that far, with the Hearst experts agreeing with our experts in handwriting that these were all a pack of forgeries, with the code experts testifying that the "code" messages were a mere jumble of nonsense, with this very significant coincidence of errors running throughout the documents, it seemed to the committee that we had pretty nearly solved the question of the genuineness of these papers. But we then subpœnaed the officials of all the cable and telegraph companies which carry messages between Mexico and New York. Their copies of cablegrams and telegrams back in 1926 have been destroyed, under the regulations of the Interstate Commerce Commission, but some of these telegrams were dated 1927, and no company could find in its files any copy or any record of any of the messages in the year 1927.

Many of the messages in 1926 related to the telegraphic transfer of money. The companies were unable to find—the records of that being still preserved—a record of any transfer of any

sum indicated in these telegrams, showing conclusively that no such messages ever passed over the cables or telegraph wires.

The committee then made some inquiries, but did not summon witnesses, because we thought the matter was already sufficiently proved, which tended to corroborate our conclusions.

For example, with the permission of the Mexican consul general we had his bank account in New York examined. There was absolutely nothing there to correspond with these supposed transfers of money to his credit back in 1926. We examined the watermarks of the paper, of course, and we made inquiries of the manufacturers of that kind of paper whether any sales had ever been made to the Government of Mexico. We have not had full reply from one of them; but the other one has made investigation from all of its jobbers, and says that with the exception of a few small lots sold to private printers in Mexico City they have not sold any in Mexico at all. The Government of Mexico never bought paper of that watermark.

Then we found, in this supposed ledger sheet, that Avila said he saw taken from the ledger in the controller general's office, an entry that showed a sale of $30,000 worth of trucks, I believe, or automobiles of some description, by the Buick Motor Co. to the general staff of the President of Mexico. That company was very ready to help us make inquiries; and their representative in Mexico City, their agents in the border towns along the American frontier, their auditors at Flint, Mich., and their officers in New York, all say that to the best of their knowledge and belief no such sale was ever made and no such payment was ever made to them; and they said they thought they would know it if there had been any such sale or any such payment.

The committee did not feel justified in spending either the time or the money to bring in paper dealers from all these borders, or automobile agents from Mexico City and from along the border, nor did it feel justified in subpœnaing the production of the original ledgers of the New York banks, and the coming of all the clerks necessary to prove them. We were all convinced that these papers without exception are fraudulent, spurious, and, in so far as they purport to bear the signature of either President Calles or the Secretary of the Mexican Treasury, they are forgeries. We are further convinced, and so find, as appears in our report, that no Senator of the United States has accepted or has been promised or has been offered one penny of money or any other valuable thing by any official or representative of the Mexican Government; and we state that finding in as plain terms as we are able to make it.

There is not a scintilla of evidence to sustain the allegation or the imputation that any Senator was ever so much as approached in this matter by any representative of Mexico.

Perhaps the Senate will bear with me if I say just a word in conclusion. This is the most flagrant case of the sort that has happened since I have been in the Senate; but, as we all know, over and over again charges of this kind against all of us or any of us are whispered around, and often never reach the light. I dare say that our votes are sold without our knowledge over and over again, and that the people who are disappointed by our votes are only too ready to attribute to us a corrupt motive. It seems to me that this disclosure, this obvious fraud, which has been brought out into the light and shown to all the world to be a fraud, rather points the way for our handling of similar charges in the future, that in justice to ourselves and to one another this kind of thing ought to be made public as soon as we hear it, and that the Senators themselves who are mentioned in such charges as this are entitled to know it, and are not helped by the suppression of such stories, however we may feel certain when we suppress them that there is not a word of truth in them. In other words, I believe that the sooner these things come to the light the sooner their falsity and fraud are shown.

In conclusion I want to say, Mr. President, that we do not ask for the immediate discharge of the committee. We hope that we shall find out who made these forgeries, who typed them, and who signed them, and if we can find that out we would like to be able to report that to the Senate.

Mr. NORRIS. Mr. President, before the Senator sits down I would like to ask him a question or two, if he will permit.

Mr. REED of Pennsylvania. Gladly.

Mr. NORRIS. As I understand it, Mr. Hearst, during all of this investigation, was represented before the committee by an attorney?

Mr. REED of Pennsylvania. I think at every session.

Mr. NORRIS. Am I correct in drawing the conclusion from what the Senator has said that neither Mr. Hearst nor his attorney made any attempt to have experts of their own examine these signatures and these documents until after Mr. Hearst's attorney had been informed by the committee that the committee's experts had examined them and reached the conclusion that they were all fraudulent?

Mr. REED of Pennsylvania. My recollection is that I told both of Mr. Heart's lawyers that we had had these examined, and stated what our experts said before they made any suggestion of having their experts examine them.

Mr. NORRIS. So that no attempt was made by Hearst or any of his representatives to have these documents examined by experts, as far as the committee knows, until after they had been informed that the committee had employed experts, and that they had made an examination and reached the conclusion that they were fraudulent?

Mr. REED of Pennsylvania. So far as I know, that is correct.

Mr. NORRIS. I would like to ask the Senator another question; and inasmuch as the committee, from the chairman's statement, have not concluded their labors, I might be asking the Senator to disclose evidence not yet adduced, and if he is not perfectly willing to answer on account of the fact that there may be reasons why he does not want to give the information, if he declines to answer the questions I will not be at all offended. I presume the committee must have reached the conclusion, from the vast amount of forged evidence which has been disclosed, that some of the witnesses orally testifying before the committee have committed perjury?

Mr. REED of Pennsylvania. I can not make it as strong as that. There was a suspicious coincidence between the sample letter which we had Avila write on the typewriter, without warning and the typewriting of these letters in question, but the resemblance was not so great that I should say with conviction that Avila testified falsely. Frankly, I suspect him, but I have not enough evidence to convict him in my own mind.

Mr. NORRIS. I want to ask the Senator about the other representative of Mr. Hearst, by the name of Page. Did his testimony, and the evidence disclosing his activity, show him to have occupied a position beyond and above suspicion?

Mr. REED of Pennsylvania. No. Mr. Page made one statement in answer to questions by Senator ROBINSON and myself that I for one believed to be false. He testified that he had bought or received a letter purporting to have been written by Senator LA FOLLETTE to President Calles; that he got it from a Mexican newspaper man, whose name and appearance he has wholly forgotten, although he remembers meeting him four times in rapid succession in connection with the incident. The letter has nothing to do with this file. It was a letter which was sent up to the Public Ledger and they found it to be an obvious fake. I think—and it is only my opinion—that Page testified falsely when he said he did not remember from whom he got that so-called La Follette letter.

Mr. NORRIS. The Senator is a lawyer of ability and experience, as everybody knows, and I would like to ask him if, in his judgment, it is not apparent from other evidence known to be true in the case that in all human probability Mr. Page in that respect did commit perjury?

Mr. REED of Pennsylvania. No; I can not make it so strong as that.

Mr. NORRIS. Can the Senator conceive of a man in an important matter of that kind, which he himself said was so hot that he could not send it through the mails, getting that kind of a letter connecting up a United States Senator and the President of another country, and then going back to see that man three or four different times——

Mr. REED of Pennsylvania. Four times in all.

Mr. NORRIS. Four times in all. Does the Senator think he would forget who he was and not be able to tell his name or describe him?

Mr. REED of Pennsylvania. I did not believe it; but I do not believe you could convict him of perjury on my disbelief without any confirmatory evidence.

Mr. NORRIS. The Senator is unprejudiced, and if the Senator is convinced that the man is guilty of perjury, why would it not follow that other men, including jurymen, would feel the same way? I do not care to go into that, however.

I want to ask the Senator if there were produced in evidence the newspaper articles that were published in the Hearst papers, written by Page and published from day to day, as these forged documents were likewise published? Did the Senator examine those articles written by Mr. Page?

Mr. REED of Pennsylvania. I examined some of them. I do not remember any particular significance in them.

Mr. NORRIS. I want to ask the Senator if it is not true that if you would discard all evidence of every kind except the documents referred to by Page, and the articles written by Page, you would have to reach the conclusion that they were at

least unfair and unjust, and that his assertions from day to day were not borne out by the forged documents he was publishing from day to day?

Mr. REED of Pennsylvania. I did not pay much attention to Page's running commentary on these papers. I thought that was relatively unimportant.

Mr. NORRIS. It might be, standing alone; but it might be of considerable importance taken in connection with the other evidence. Page was the man who, prior to his employment by Hearst, in behalf of the Philadelphia Public Ledger, sent the forged letter that is supposed to have been written by a Senator to Calles?

Mr. REED of Pennsylvania. Yes.

Mr. NORRIS. I want to ask the Senator if it did not appear in evidence that Page himself, by a letter written to Senator LA FOLLETTE, admitted over his own signature that what he was sending up to the Ledger, which, at the time he sent it, he said was too hot to go through the ordinary mails, was a forgery? Was not that letter offered in evidence?

Mr. REED of Pennsylvania. I am not sure whether it was offered in evidence. It was produced at the hearing. I do not recall whether in that letter Page admits it was a forgery or not, but he admitted it elsewhere. He does not contest the fact at all.

Mr. NORRIS. That occurred before he secured the forged documents in this case from Avila?

Mr. REED of Pennsylvania. That is correct.

Mr. NORRIS. So that he had had some experience, and he had some notice that forged papers in reference to the President of Mexico and a Senator of the United States were in circulation?

Mr. REED of Pennsylvania. That is correct.

Mr. NORRIS. He knew that before he got the Hearst papers?

Mr. REED of Pennsylvania. That is correct, and it ought to have put him on warning.

Mr. NORRIS. I want to ask the Senator about the testimony of Mr. Hearst. The Senator has stated that Mr. Hearst testified that he had made diligent search, or words to that effect, to ascertain whether these signatures of the President of Mexico to these documents were genuine.

Mr. REED of Pennsylvania. Oh, no; I did not mean to say that. Mr. Hearst, so far as I understand it, made no inquiry at all. He says he directed other people to do it.

Mr. NORRIS. Yes; I am corrected; that is the way the Senator stated it. What direction did he make? Did the committee ascertain that?

Mr. REED of Pennsylvania. We found out what was done, and that is what I tried to explain to the Senate. They put Avila to work to corroborate himself.

Mr. NORRIS. Did the Senator reach the conclusion that Mr. Hearst himself, in fact, made no effort to ascertain whether these were genuine or forged documents?

Mr. REED of Pennsylvania. I think I would call it an effort to instruct his editors to verify them if they could. The Senator wants me to characterize Hearst's actions in this matter and I am perfectly frank about it and I do not hesitate to do it. I think that in dealing with the reputations of four Senators of the United States and in dealing with such terrible charges against them as these papers contain it was incumbent on Mr. Hearst to exhaust every effort to establish their genuineness before he printed them. I do not think he did exhaust every effort. He turned the matter over to two trusted editors, or managers, whom he employed, and he seems to have left the whole thing to them.

Mr. NORRIS. I would like to ask the Senator whether, as a matter of fact, from the evidence, he thinks any real effort was ever made by Hearst or any of his representatives to ascertain whether these were forgeries or not?

Mr. REED of Pennsylvania. Oh, yes. They say they took them to the American Embassy.

Mr. NORRIS. But they do not say that the American Embassy said they were genuine?

Mr. REED of Pennsylvania. They said that the counsellor of the American Embassy glanced at them and said, "They look all right to me," or words to that effect, "They look genuine to me"; but they do not pretend that he made any careful study of them.

Mr. NORRIS. Did they ever submit them to experts or anyone of that kind?

Mr. REED of Pennsylvania. Not until after we did.

Mr. NORRIS. As I have read the evidence, and the Senator is more familiar with it than I am, I am unable to find anything that Mr. Hearst ever did except give that general direction to his employees, and one of them was Page——

Mr. REED of Pennsylvania. One of them was Victor Watson and the other was Coblenz, I think. I forget his first name.

Mr. NORRIS. As a matter of fact, they have not done anything except the little things the Senator has narrated, and undoubtedly Hearst knew that they had not done anything. Did he ever make any inquiry, even of those whom he was directing to look the thing up, as to whether they had done anything or not?

Mr. REED of Pennsylvania. I do not recall whether any such inquiry was testified to by anybody. What they did, as I have said, was to put Avila to work to try to steal something from the office in New York to corroborate what he said he got in Mexico. That was all he did, so far as I know.

Mr. NORRIS. If there was some dirty work, Avila had probably done it, and in order to corroborate Avila's dirty work, they employed Avila to do some more dirty work, it seems to me.

I will ask the Senator whether any of the officials of any of the telegraph companies were subpœnaed to get copies of any telegrams which might have passed between Avila and Page, or Hearst and Avila, or Hearst and Page, or any of them?

Mr. REED of Pennsylvania. No; we made no effort to do that.

Mr. NORRIS. You made no effort to do it?

Mr. REED of Pennsylvania. No.

Mr. NORRIS. Mr. President, in this connection I desire to have printed in the RECORD an editorial appearing on Monday in the Washington Daily News, which was taken from the Los Angeles Times of January 6.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"THE CONFESSIONS OF HEARST"

Amazing as they were, the previous admissions of William Randolph Hearst of his recent reckless irresponsibility in the publication without substantiation of documents purporting to show that Mexico was plotting with other nations against the peace and safety of the United States pale into insignificance beside the confession which he has just caused to be made a part of the record of the Senate committee named to investigate his charges.

Faced with the imminent official declaration by the committee that these documents are wholesale forgeries, proven by overwhelming and irrefutable evidence, the publisher rushed before the committee with testimony of experts, only now hired by himself, to the effect that the "secret Mexican Government records" which he has so long blared to the public as unqualifiedly genuine and authentic, are in fact impudently spurious.

The annals of yellow journalism will be searched in vain for anything remotely approaching a parallel to this performance by Hearst. Beginning about the middle of November and continuing daily for more than a month, the 25 newspapers owned and directed by Hearst published daily under frantic scare heads and in whole pages of large type articles of the most inflammatory character declaring the Hearst papers to be in possession of records taken from the official Mexican archives showing that that country was engaged in sinister plots with Nicaragua, with Japan, and with Russia against the United States and against American interests in general.

Nowhere in these records, embellished with photostatic reproductions of the "records" and exploited in the most sensational fashion possible to Hearst experts in sensationalism, was there the slightest proof of the charges, no hint of any possible doubt as to their authenticity, no suggestion that investigation might disprove them, no opportunity given any of the prominent men accused to deny the allegations against them or defend themselves. On the contrary, the assertion was iterated and reiterated in the Hearst news and editorial columns that the documents were authentic and that they revealed conspiracies of the gravest possible character against the United States.

The climax came when the Hearst papers, on the strength of more "records," accused four United States Senators of being in the secret pay of the Mexican Government in furtherance of those "plots" and published documents to show that the Mexican Government had set aside an enormous sum of bribe money to be paid these Senators in return for their "services."

The United States Senate moved immediately to investigate these growing charges of infamy. A committee of Senators was named to take the evidence and Hearst was invited to submit proof of his charges.

From the beginning of the inquiry the utterly groundless character of the Hearst allegations became daily more apparent. Not a scintilla of evidence was produced from any disinterested source to establish the authenticity of the charges. Called before the committee and questioned with specific regard to his accusations against the four Senators, Hearst himself testified that he had made no investigation of the charges before publishing them in his newspapers, that he had asked none of the four Senators about it or given them any opportunity to be heard, and that he had no evidence indicating that any Senator had

received such a bribe, and that he did not believe the charge himself when he published it.

Staggering as was this admission of journalistic depravity, it was still to be outdone by Hearst himself. As the hearing proceeded and evidence piled up of the spurious character of the Hearst documents and their venal source, with no testimony whatever to support their authenticity, the outcome became so obvious as to forewarn the publisher of the impending disaster to himself and his papers through complete and official exposure of his unscrupulous attempt to embroil the United States with friendly nations.

In this desperate situation he took the only course which appeared to him possible to save something of the wreck of his journalistic reputation. He anticipated the inevitable by admitting it himself, thereby hoping for the crumb of mercy accorded to the confessor. He hired handwriting experts who, at his behest, appeared before the committee and testified that the documents were forgeries.

This investigation and confession, by and for Hearst, was made seven weeks after the Hearst papers began publication of the documents and three weeks after the last of them had been printed and the Senate committee had begun its inquiry. This despite the fact that Hearst himself admitted he had had the documents in his possession prior to their publication for a period sufficient to have had them experted by handwriting authorities ten times over. This despite the fact that during their publication their authenticity and the truth of their charges daily had been categorically denied by every official and prominent citizen whom they accused—denials so impressive as to give any honest newspaper publisher, whatever his own faith in the charges, pause in which to recheck and investigate.

It is now proven that not only was there no such recheck and investigation by Hearst papers, but there was never any check or investigation in the first place. The testimony of Hearst himself and of his editors before the Senate committee established that Hearst did not hire his handwriting experts until long after all the forged documents had been published; that at the time this testimony of the publisher and his agents was taken by the committee this experting had not been done nor was ever intended. It was not done, in fact, until Hearst was driven into a corner and forced to any expedient to try to save himself some shred of journalistic ethics.

The complete absence of anything approaching good faith even in this eleventh-hour confession of desperation is shown by the fact that on the morning of the day Hearst's handwriting experts were to appear before the committee Hearst issued signed instructions to the editors of his own newspapers to abandon all attempts to establish the authenticity of the documents—this in the face of the testimony before the committee of some of these editors and of Hearst himself that they "believed" them authentic.

On what such a "belief" could have been predicated does not appear. All the sources which the Hearst experts belatedly used in determining the fraudulence of the documents were available before their publication and with months in which to employ them. Genuine signatures of President Calles and of other Mexican officials were on file in Washington, available for the same comparison by which the Hearst agents now find to be forgeries the purported signatures of the Mexican President on the published documents. The comparisons that showed that letters purporting to have come from half a dozen different Mexican Government departments were all written on the same typewriter could have been made as readily before their publication as afterwards. There is no part of the Hearst inquiry into the genuineness of the documents he exploited which was not as practicable before as after their exploitation.

That Hearst did not want an investigation in advance of publication which would have proved the falsity of the documents and prevented their publication is obvious to the most simple-minded. That he would never have had it made, save as a final and desperate gesture of "good faith" in his extremity, is equally apparent. To those familiar with his long record of personal and journalistic animosity against Mexico and Japan and his methods of satisfying his grudges, his real motives need no explanation. That he deliberately imperiled the friendly relations of the United States with other nations with blatantly exploited uninvestigated charges of the gravest nature meant nothing to him.

It is a black record, the blackest in American journalism, the most gross abuse of the right of a free press in this or any other country's history. To call his proven fakes inflammatory is to understate their tenor. They accused a neighbor country of repeated acts of war; accused Japan of plotting against the peace of the United States; they accused the United States Senators of treason; they accused dozens of high and reputed officials and prominent citizens of the blackest of crimes against patriotism; all without investigation, equivalent, or mitigation.

Now, he appears, and facing the consequences of his wanton efforts to deceive the public and to force a grave international crisis, Hearst says he is sorry but there does not appear to have been any basis for his charges after all.

The new California plea of "not guilty because of insanity" seems to be the only one he can make under the circumstances.

Mr. ROBINSON of Arkansas. Mr. President, I do not intend at this point to attempt a discussion of the evidence which the select committee of the Senate has taken and reported to the Senate. I concur and all members of the committee concur in the report. My purpose now is to give emphasis to the statement of the chairman of the committee that there is no contradiction in the evidence upon the main conclusion that the documents are forgeries.

While I have no authority to speak for Mr. Hearst or for anyone who represents him, and do not assume to do so, I am convinced that Mr. Hearst himself and everyone who appeared before the committee representing him now feels assured that the documents, which it is said were obtained from the files of the Mexican Government in the City of Mexico and from the files of the Mexican consulate in the city of New York, are in fact clearly forged and not genuine.

The Senator from Nebraska [Mr. NORRIS] asked the chairman of the committee a question as to whether Mr. Hearst or his representatives exercised precaution to determine their genuineness before publishing the documents. I think a fair construction of the record discloses beyond a shadow of a doubt that while Mr. Hearst believed the documents to be genuine there was no such investigation made of them as their nature and the purpose to publish them if genuine required. I think the natural course to have pursued in connection with the documents, taking into consideration the facts and circumstances under which it was claimed they had been procured, was to submit them to men of experience in determining the genuineness of documents; and if that precaution had been taken, they would never have been published and this investigation would never have been made necessary.

I wish to emphasize, and I want the country as well as the Senate to know, that when a proper study of the documents was made it became clear beyond the shadow of a doubt that they were forgeries. If anyone will take the trouble to read the record, the conclusion will be reached that not only are they forgeries but that the forgeries were poorly executed.

I do not intend now to characterize the practice which has become too common in American newspapers and in some American magazines of recklessly assailing the integrity of men in public positions. This ought to be a lesson to those who quickly lend their ears to rumors assailing the character of men in office who do not agree with them. Such incidents as this are discreditable to any publicity agency.

Mr. HEFLIN. Mr. President, I wish to give notice that on next Wednesday morning, January 18, following the routine morning business, I shall address the Senate upon the subject of the Hearst scandal.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHORTRIDGE:

A bill (S. 2462) to amend the military record of John F. Walker; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 2463) to amend an act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.," approved May 19, 1926; to the Committee on Military Affairs.

By Mr. NORBECK:

A bill (S. 2464) granting an increase of pension to Margaret Seward (with accompanying papers); and

A bill (S. 2465) granting an increase of pension to Betsey Smith (with accompanying papers); to the Committee on Pensions.

By Mr. MAYFIELD:

A bill (S. 2466) to amend the act approved March 3, 1911, to codify, revise, and amend the laws relating to the judiciary by limiting the duration of the administration of a corporation and its property; to the Committee on the Judiciary.

By Mr. TYDINGS:

A bill (S. 2467) for the relief of William P. Flood; to the Committee on Claims.

By Mr. GEORGE:

A bill (S. 2468) for the relief of John A. Woods; to the Committee on Finance.

By Mr. McNARY:

A bill (S. 2469) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended; to the Committee on Military Affairs.

By Mr. COPELAND:
A bill (S. 2470) granting a pension to Anna C. Kelley; to the Committee on Pensions.
A bill (S. 2471) for the relief of the owner of the American steam tug *Charles Runyon;* and
A bill (S. 2472) for the relief of the city of New York; to the Committee on Claims.
By Mr. JONES:
A bill (S. 2473) for the relief of Will J. Allen; to the Committee on Claims.
A bill (S. 2474) amending the fifth paragraph of section 10 of the act entitled "An act to amend existing laws relating to internal revenue, and for other purposes," approved March 2, 1867; to the Committee on Finance.
A bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression; to the Committee on Commerce.
By Mr. TYSON:
A bill (S. 2476) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the La Fayette-Celina road in Clay County, Tenn.;
A bill (S. 2477) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Clinch River on the Sneedville-Rogersville road in Hancock County, Tenn.;
A bill (S. 2478) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Decatur-Kingston road, in Roane County, Tenn.;
A bill (S. 2479) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Jasper-Chattanooga road, in Marion County, Tenn.;
A bill (S. 2480) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Knoxville-Maryville road, in Knox County, Tenn.; and
A bill (S. 2481) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Lebanon-Hartsville road, in Wilson and Trousdale Counties, Tenn.; to the Committee on Commerce.
By Mr. KING:
A bill (S. 2482) for the relief of the White River, Uintah, Uncompahgre, and Southern Ute Tribes or Bands of Ute Indians, in Utah, Colorado, and New Mexico; to the Committee on Indian Affairs.
By Mr. DENEEN:
A bill (S. 2483) to extend the time for the construction of a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa, at or near the city of Savanna, Ill.; to the Committee on Commerce.
A bill (S. 2484) granting an increase of pension to Ernest L. Ferren; and
A bill (S. 2485) granting a pension to Electa Johnson; to the Committee on Pensions.
A bill (S. 2486) to extend the benefits of the United States employees' compensation act of September 7, 1916, to William Horton Brown;
A bill (S. 2487) for the relief of Emory S. Hall; and
A bill (S. 2488) to authorize the Comptroller General of the United States to relieve James O. Williams, former special disbursing agent of the Bureau of the Census, in the settlement of his account; to the Committee on Claims.
By Mr. BROOKHART:
A bill (S. 2489) to amend section 4 of the interstate commerce act; to the Committee on Interstate Commerce.
By Mr. McKELLAR:
A bill (S. 2490) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; to the Committee on Commerce.
By Mr. WAGNER:
A bill (S. 2491) granting an increase of pension to Mary Ellen May (with accompanying papers); to the Committee on Pensions.
By Mr. RANSDELL:
A bill (S. 2492) granting a pension to Tom Brooks; to the Committee on Pensions.
By Mr. SHIPSTEAD:
A bill (S. 2493) to grant certain public lands to the State of Minnesota for perpetual use as a public park; to the Committee on Public Lands and Surveys.
By Mr. WARREN:
A bill (S. 2494) granting an increase of pension to Sarah E. Carver (with accompanying papers); to the Committee on Pensions.
By Mr. WILLIS:
A bill (S. 2495) granting an increase of pension to Julia A. Martin (with accompanying papers); to the Committee on Pensions.

HOUSE BILL REFERRED

The bill (H. R. 8269) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

INVESTIGATION OF NAVAL OIL RESERVE LEASES

Mr. NORRIS. Mr. President, I have had called to my attention by the financial clerk the statute which we passed which provides that in all investigations ordered by the Senate the expenses of which are to be paid out of the contingent funds, there shall be a limitation in the resolution authorizing the investigation. In the resolution providing for a renewal of the investigation of the naval oil reserve leases and extending the original resolution there is no such limitation, and the original resolution which passed before the law to which I have referred was enacted. Therefore, in order to comply with that technicality, I ask unanimous consent to submit and have referred to the Committee to Audit and Control the Contingent Expenses of the Senate a resolution providing a limitation on the expenditure which may be incurred.
The VICE PRESIDENT. Does the Senator from Nebraska desire to have the resolution acted on at this time?
Mr. NORRIS. It will first have to go to the committee and be reported, but the committee have seen it and are ready to report it back, so it might just as well be read now.
The VICE PRESIDENT. The resolution will be read.
The Chief Clerk read the resolution (S. Res. 108), as follows:

Resolved, That the cost of continued and renewed investigation authorized by Senate Resolution No. 101, agreed to January 9, 1928, shall not exceed $25,000.

Mr. DENEEN. Mr. President, I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably without amendment the resolution which has just been read, and I ask unanimous consent for its immediate consideration.
The VICE PRESIDENT. Is there objection?
There being no objection, the resolution was considered and agreed to.

PENAL CODE OF THE CANAL ZONE

On motion of Mr. WALSH of Montana, the bill (S. 1256) to amend the penal code of the Canal Zone was taken from the calendar and referred to the Committee on Interoceanic Canals.

SOME RAILROAD HISTORY

Mr. BLEASE. Mr. President, I have here an editorial from the Belton (S. C.) News in reference to "A little bit of railroad history," which I ask permission to have printed in the RECORD.
The VICE PRESIDENT. Without objection, it is so ordered.
The editorial is as follows:

Two weeks ago we published on the front page in the first column and a half free of all charge the carefully prepared statement of the general counsel and first vice president, Mr. L. E. Jeffries, giving it the most prominent position in our paper.
The statement was brought to us by special messenger, who stated that it had been approved by the president of the Southern Railway Co., Mr. Fairfax Harrison, and that President Harrison had sent him to us with it.
We understand that these two officials of the Southern Railway Co. are paid something like $50,000 per year salary by that railroad corporation, as experts learned in the law, the history of transportation, and otherwise thoroughly familiar with the entire railroad "complex," historically, theoretically, and practically.
The first and opening sentence, like every other sentence in that carefully studied and subtly concocted statement, is a tissue of falsification of railroad history in this State, and a frightful, slanderous defamation on South Carolina and her great sons, like Robert Y. Hayne, E. L. Miller, Rene Goddard, Colonel Cross, David Ernst, George McDuffie, John C. Calhoun, and all those great South Carolinians, who, in the days of the internal improvements craze of the eighteen hundred and twenties and eighteen hundred and thirties opposed the wild turnpike, plank roads, and canal schemes that simply wrecked other States, and stood out against all such projects and fought for and started steam railroad building here.

The opening sentences of the statement declares: "There were few, if any, railroads in the State of South Carolina in the eighteen thirties and eighteen forties. * * * The legislature was endeavoring to induce capital to invest its money in the State," etc. That is pure, unadulterated fiction, and for a subtle purpose. That is a slander that South Carolina newspapers should refute instead of publish and commend. The historical facts are that as early as 1821 Robert Y. Hayne advocated in the press of the State and in public speeches the building of steam railroads as the and the only solution of not only our State's but the Nation's needs, and bitterly assailed from time to time the wasting of money upon turnpikes, plank roads, canals, and the like, with the result that in 1832 South Carolina had the longest-operated steam railroad in the world, as our legislature had incorporated January 30, 1828, the Charleston & Hamburg (Augusta) Railroad Co., that gave South Carolina not only the longest steam railroad in operation but also the first railroad in the United States using steam locomotive power from the beginning.

In 1830, when there were only 23 miles of railroad in the United States, more than 12 miles of this one steam railroad in South Carolina was in operation, carrying freight, passengers, and the United States Government Post Office files show it was the first steam railroad to carry the United States mails. The road was built entirely by South Carolinians with capital and money raised in this State, and what is more, one of the engines, the "Best Friend," was the first steam locomotive ever built in the United States and was designed and assembled by Mr. E. L. Miller, of Charleston, S. C. The event of the completion of the Charleston & Hamburg Railroad to (Augusta) Hamburg, 136 miles in length, is referred to in May, 1833, in the Charleston Mercury in part as follows:

"The Charleston & Hamburg Railroad is the greatest extent of steam railway line in consecutive miles in any part of the world."

And yet modern Munchausens, like the authors of the Southern Railway statement we published and that has been more or less published by the newspapers of this State, and who draw down salaries of $50,000 per annum as railroad experts in railroad finance, practical operation, railway science, law, and public service, proceed to tell us that we had no railroads then and try to lead an unsuspecting and confiding public here to believe that we and our legislature induced them to bring their capital and money here to get us to market and to give us the transportation necessary to get us out of the "sticks." And a paper almost at the door of Old St. Michael's Church in Charleston proceeds to commend editorially that defamation on the State of South Carolina, and one of the greatest of Americans, Robert Y. Hayne, who gave his life for railroad promotion, and who and whose generation, when it came to writing the sum total of all this great man did for his State, his Nation, and his fellow men, even after he had been the one Member of the United States Senate, selected by his colleagues as the constitutional lawyer to successfully engage Daniel Webster in that brilliant debate on the expressed, reserved, and compromised powers of the Constitution which it took a war between the States to settle; after he had been the first mayor of Charleston; after he had been a Member of both branches of Congress and our State legislature, serving as speaker of the house in the latter; after he had been attorney general and governor of our State, he wished and his people recorded this on his pedestal now in Old St. Michael's Church as the most important lesson from his most valuable and useful life:

"His last public service was his effort to open direct railroad communication with the vast interior of our continent."

The history of our State and of our country records that Robert Young Hayne was the first man to suggest not only in South Carolina but in the United States, steam railway transportation as the solution of the Nation's need, commercially, economically, socially, and politically. As early as November 22, 1821, the Charleston Gazette published his letter, reading in part: "Mr. Editor, having seen a specimen of a patent railway, I believe the plan would be useful in this State. The season for discussing the great subject of internal improvement has arrived and this may add to the materials."

With this letter the Gazette published the "specimen" or specifications of the "patent railway," proposing not the horse-drawn tramway of Massachusetts, or the sail-horse pulled one of Maryland, or the horse-stationary engine road of Pennsylvania but steam as a locomotive power. Robert Y. Hayne and others continued to advocate steam railroads and oppose canals, plank roads, turnpikes, and the like, with the result that they raised in this State the money and built the Charleston & Hamburg Railroad, 136 miles in length, from Charleston to Hamburg (Augusta), and in 1832 had a comprehensive system of railroads planned and partly built, including a railroad through Spartanburg, Asheville, Knoxville to Cincinnati and Louisville, called the Louisville, Cincinnati & Charleston Railway Co., incorporated in 1832 by our State legislature, and of which Robert Young Hayne was president until his untimely death, in 1839, at the age of 47, in Asheville from overwork as president of this then the longest proposed railway in the world.

Robert Y. Hayne's advocacy of connecting South Carolina with the Mississippi and Ohio Valleys had in view not only winning the West for the Nation but winning it for slavery and the South. He was not merely a railroad promoter or mere railroad builder, big as such men were and overshadow as completely as they do some of these modern overpaid railroad lawyers and officials, who can not see beyond the pocketbook nerves of their bondholders; but he was a statesman with a vision, and he pointed out at a big railroad convention he called, and over which he presided, which was attended in Knoxville by 380 delegates from all parts of the Middle West and the South, and which resulted in Cincinnati and Ohio building, with the help of Kentucky and Tennessee, the railroad now owned by that city and leased by the Southern Railway Co., that not only would such a railroad open up the West to the South and give the West the market needed for its development and prosperity, but it would be the "means of healing the (slavery) breach so deep and wide between the South and the West." If the valleys of the Ohio and the Mississippi Rivers were linked to the Atlantic Ocean, he argued, by way of Charleston, that vast section of the United State might become friendly to slavery through the "potent influence of understanding."

In his address as presiding chairman he said nothing about slavery, but the approaching war between the States over that unsettled and compromised question in the Constitution of the United States was the "urge" back of the tremendous and successful effort he made to win the delegations for steam railroad transportation when he pictured that a railroad from Charleston to Cincinnati and Louisville would prove a "controlling and permanent influence on the peace and perpetuity of the Union by practically increasing the reciprocal dependence of the North and South, by establishing business, promoting friendships, abolishing prejudices, creating greater uniformity in political opinions, and blending the feeling of distant portions of our country into a Union of heart," as well as of commerce, agriculture, religion, culture, and transportation.

And what a pity it is in these days of the Nation's greatness, when all the world looks to us for example, that there are not at the head of the present great Southern Railway system, made possible by the constructive railroad building, public good will, and statesmanship, patriotism, and foresight of that railroad and nation builder and pioneer, Robert Young Hayne; what a pity there are not now at the head of this great railway system real men like Robert Young Hayne and all those other South Carolinians, who "in the eighteen thirties and eighteen forties" had already built and planned more steam-railway mileage and had more in operation as early as 1832 than there was in the rest of the world, to carry on that splendid work with a decent regard for the people and the public, and devoting their energies and efforts to increasing the efficiency of the great trust they hold, instead of being engaged in pettifoggying, sharp practice, and in blocking road improvement and our industrial progress, maligning the names of real railroad men like Hayne, Miller, Calhoun, and others, and defaming the fair name of this splendid State of South Carolina, which has always been first in any worthy service, whether it be railroad building, character building, or nation building.

Let us repeat, what a pity it is that there are not at the head of the great Southern Railway Co., which would have little mileage were there subtracted from its present 6,874 miles the railroads built or planned in the "eighteen thirties and eighteen forties" by men like Hayne, Calhoun, Miller, Butler, Noble, Frenau, McDuffie, Law, Murray, Taylor, Shannon, Watt, Ford, and other South Carolinians, who not only planned and built, but supplied and raised the money right here in our own State for more than their part of most of what constitutes to-day the Southern Railway system, in spite of Mr. Jefferies's allegation there were no railroads in South Carolina "in the eighteen thirties and eighteen forties," and we were begging for men and capital to come here and build railroads.

Hayne, Miller, Calhoun, McDuffie, and all his corailroad pioneers knew what it was to serve their fellow men as well as their bondholders. They would not have served certain stock gamblers now engaged in "manicuring" the Southern Railway Co., and who have within the last three years manipulated the common stock from around $15 a share to $150 a share, increasing tenfold the value of the $130,000,000 worth of common stock, not one penny of which represents original railroad construction, and on which during the past three years these Wall Street gamblers have caused to be paid out of freight rates and passenger fares dividends recently increased to 8 per cent, apparently with a view to ultimately unloading their holdings, as time runs along, upon the investing public, composed largely of widows, orphans, and aged persons, pinching off in the effort to pay excessive dividends every possible penny and piece of property.

Our suggestion is that if the present "changed" policy of the heads of the Southern continues there be both a congressional and a State legislature investigation into the whole situation, covering not only the Wall Street manipulation of its common stock, the increasing of dividends from nothing to 8 per cent, but also the efforts of its present officers to beat down taxes, secure high valuation for rate basing, and otherwise take advantage of the public. Here is real opportunity for young men of courage and honest purpose to serve their State and country by getting into politics, becoming members of our legislature, making this a real live issue, and, like Portia, seeing to it that Shylock gets his pound of flesh—no more, no less, and nothing but flesh.

HENRY A. BELLOWS

Mr. DILL. Mr. President, a few days ago it was asked that the joint resolution S. J. Res. 55 be taken up for immediate consideration, it providing for the payment to Mr. Henry A. Bellows of the salary that would have been due him had he remained on the Radio Commission and been confirmed. I asked that it go over, because I wanted to ask Mr. Bellows certain questions in the hearings then being held by the Interstate Commerce Committee. I am satisfied with the replies to my questions. I would, therefore, like to ask unanimous consent to call up that joint resolution and have it passed in order that he may receive his pay.

Mr. BORAH. What is the resolution?

Mr. DILL. It is a joint resolution providing to pay to Mr. Henry A. Bellows, who formerly served on the Radio Commission and who resigned, the salary that would have been due him had he remained on the commission and been confirmed.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Senator from Washington asks unanimous consent for the present consideration of Senate Joint Resolution 55. Is there objection?

Mr. BORAH. I do not know that I exactly understood the Senator. Is this to pay the gentleman for the time he actually served?

Mr. DILL. Yes; for the time he actually served.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

Mr. COPELAND. Mr. President, what about the other commissioners? Do we make provision for their pay?

Mr. DILL. A report as to their confirmation has not yet been made by the committee.

Mr. COPELAND. And if they are confirmed they will be paid?

Mr. DILL. Oh, yes; certainly.

Mr. KING. Mr. President, may I ask the Senator whether the evidence before the committee indicates that the commissioner in whose behalf the joint resolution has been offered favored the Radio Trust in the allocation of wave lengths, or whether his conduct was fair to all the public and those seeking licenses to operate radio stations?

Mr. DILL. That is a rather difficult question to answer fully, but I want to say, in justice to Mr. Bellows, that he was one of the most industrious members of the commission. The commission had no money with which to operate. It took charge of the situation and did the best it could, and while I did not approve and do not approve some of the actions of the commission in which Mr. Bellows concurred, I believe he was honest in his efforts, and I believe that having given his time to the work, that he is entitled to his pay. As to whether or not he has favored the so-called Radio Trust is a question upon which men might differ. I may say that the commission have not granted any licenses for broadcasting to exceed 90 days, so that the radio situation is not permanently tied up in favor of the so-called Radio Trust or anybody else. The commission are still free to allocate wave lengths and to change any station and to make any disposition of wave lengths that they may see fit on the expiration of the 90-day period. That, I think, must be said in their favor, whatever may be said in criticism of their other actions.

Mr. KING. May I say to the Senator that he must be aware of the fact that numerous complaints have been received from persons residing in many parts of the United States against the conduct of the commission. Statements have been made by those persons to whom I refer that they have been discriminated against and that the Radio Trust, if there is a trust, has been favored and a policy pursued which tends to fasten the Radio Trust upon the country to the disadvantage of the public and those who seek an opportunity for legitimate broadcasting.

Mr. DILL. The term "legitimate broadcasting" is generally interpreted by every man who has a broadcasting station to suit his own needs and wishes. There has been much criticism and I myself believe that some of the criticism is justified. It does seem that the stations of the Radio Corporation, and affiliated stations, have been given more readily what they desire and other stations have been handicapped and shifted to other wave lengths and had their power cut. But I repeat that the broadcasting situation is not closed. Radio Corporation stations or any other set of stations are not in complete control of the air, and I believe these members of the commission are honestly striving to work out these problems in the interest of better radio service. If Mr. Bellows's case were up for confirmation I might discuss more in detail the policies of the commission, which I will probably do when those cases come before the Senate. But I believe that Mr. Bellows is entitled to pay for the time he served.

Mr. COPELAND. Mr. President, may I ask a further question of the Senator?

Mr. DILL. Yes.

Mr. COPELAND. Was the nomination of Mr. Bellows confirmed?

Mr. DILL. Mr. Bellows's nomination was not confirmed. Mr. Bellows served from his appointment in March until, I think, sometime in October or November—I am not certain—but he resigned from the commission, so he states, because he had no money with which to continue in his position. He was receiving no salary and he felt that he could not make any further sacrifices. He has gone back to work for the station for which he formerly worked.

Mr. McKELLAR. May I ask the Senator whether it is the purpose to continue the commission?

Mr. DILL. No proposed legislation has been reported by the Interstate Commerce Committee on that subject.

Mr. McKELLAR. Has any measure on the subject been introduced and is any such measure pending?

Mr. DILL. Bills have been introduced in both the House of Representatives and the Senate proposing to continue the commission for one year.

Mr. McKELLAR. I think the commission ought to be continued by all means, and I hope the Senator from Washington will use his expert knowledge and his great interest in the matter in getting a bill reported out of the committee for that purpose.

Mr. DILL. I may say that hearings that are now going on before the Interstate Commerce Committee have been quite informative as to the policy of the commission and as to needs for its future service, and that question will be taken up by the committee in the near future, I think, and some measure reported.

Mr. McKELLAR. The truth of the business is, it seems to me, that we ought to have a permanent commission to deal with the subject of radio. That is my own judgment about it.

Mr. DILL. That was the view of the Senate when we passed the original bill, but the present law is a compromise with the House bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 55) for the relief of Henry A. Bellows, which had been reported from the Committee on Interstate Commerce with an amendment on page 1, after section 2, to strike out: "The moneys appropriated for the Federal Radio Commission by the first deficiency act, fiscal year 1928, shall be available for the payment of such compensation," and in lieu thereof to insert: "The moneys made available for the fiscal year 1927 by the act of February 23, 1927, and those appropriated for the Federal Radio Commission by the first deficiency act, fiscal year 1928, shall be available for the payment of such compensation." So as to make the joint resolution read:

Resolved, etc., That notwithstanding the provisions of section 1761 of the Revised Statutes, Henry A. Bellows shall be paid compensation at the rate of $10,000 per annum for the period during which he served as a member of the Federal Radio Commission.

SEC. 2. The money made available for the fiscal year 1927 by the act of February 23, 1927, and those appropriated for the Federal Radio Commission by the first deficiency act, fiscal year 1928, shall be available for the payment of such compensation.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

REHABILITATING FARM LANDS IN FLOOD AREAS

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent, out of order, for the present consideration of Order of Business No. 31, being the bill (S. 672) for the purpose of rehabilitating farm lands in the flood areas.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. JONES. I think more than merely the title of the bill should be read, or the Senator from Arkansas might make a brief explanation of it.

Mr. ROBINSON of Arkansas. Mr. President, I shall be very glad to explain the bill. The bill authorizes a fund of $500,000 to be used in agricultural extension work in the flooded districts. The bill has been favorably reported by the Department of Agriculture, and there is printed in the committee's report a letter from the department addressed to the chairman of the Committee on Agriculture, the Senator from Oregon [Mr.

McNARY] fully explaining the necessity for the legislation and advocating its passage. A paragraph in the report reads as follows:

In the maintenance of the cooperative extension system under the Smith-Lever Act the major portion of the expense of employing county agents is paid from county funds, the usual plan being to pay half or less than half of the salary of such agents from State and Federal funds and to pay the remainder of the salary and office and travel expenses from county or other local funds. The present financial condition of the flooded counties will make it impossible for most of them to continue their contributions to the salaries and expenses of county extension agents at a time when the services of these agents are greatly needed to assist rural people in rebuilding their homes, renovating their premises, and reestablishing themselves on a satisfactory basis. Careful estimates made by the directors of extension in the several States affected indicate that approximately $500,000 will be needed to take over the portions of salaries now paid to county agents from county and local funds in counties seriously affected by the flood and to employ agricultural and home demonstration agents in such counties where agents are not now employed.

Mr. JONES. The proposed legislation, as I understand, applies to the present year?

Mr. ROBINSON of Arkansas. Yes; it is an emergency authorization.

Mr. JONES. I have no objection to the passage of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas [Mr. ROBINSON] for the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That due to the emergency existing in the lower Mississippi Valley as a result of the flood of 1927, county funds available from taxation are so impaired throughtout the flood area that a continued support of the normal constructive activities of these counties, including the employment of county extension agents in agriculture and home economics, will be impossible. The Secretary of Agriculture is hereby authorized, in cooperation with the several States and local agencies within these States, to employ such county extension agents necessary to aid in quickly and adequately rehabilitating these flood-devastated farm areas.

SEC. 2. That for the purpose of this act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000 for the employment of county extension agents, traveling, subsistence, and other necessary expenses, to be expended by the Secretary of Agriculture under such rules and regulations as he may prescribe for the proper carrying out of the purposes of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBINSON of Arkansas. I ask to have printed in the RECORD the full report of the Committee on Agriculture and Forestry upon the bill.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[S. Rept. No. 32, 70th Cong., 1st sess.]

REHABILITATING FARM LAND IN THE FLOOD AREAS

Mr. CARAWAY, from the Committee on Agriculture and Forestry, submitted the following report (to accompany S. 672):

This bill is a bill to authorize the appropriation of $500,000, to be used in accordance with the suggestion of the Department of Agriculture in the employment of county agents and home demonstration agents in the several States in which great damage was done by the floods last year. The authorization is only for the one year, at which time the Secretary of Agriculture, who strongly recommends the passage of this act, thought the counties would be able to resume the payment of the expenses herein mentioned.

The measure is an emergency measure designated for one year, and it is hoped that it may be passed speedily, as the need is great.

The letter of the Secretary of Agriculture is published herewith.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., December 31, 1927.

Hon. CHARLES L. McNARY,
United States Senate.

DEAR SENATOR: I have your request of December 13 for a report on S. 672, a bill for the purpose of rehabilitating farm lands in the flood areas, introduced by Senator ROBINSON of Arkansas on December 6. The bill recites the impairment of county tax funds in the lower Mississippi Valley as a result of the flood of 1927 and the consequent inability of the flood counties to continue the employment of county extension agents in agriculture and home economics; authorizes the Secretary of Agriculture to cooperate with the States and local agencies in the employment of such county agents to aid in rehabilitation of flood devastated farm areas; and authorizes an appropriation of $500,000 for the employment of county extension agents, travel, subsistence, and other necessary expenses.

The lower Mississippi Valley flood in the spring and summer of 1927 devastated farm areas in southeastern Missouri, southwestern Illinois, western Kentucky and Tennessee, eastern and central Arkansas, northwestern Mississippi, and eastern Louisiana. It prevented or greatly delayed and reduced crop production on several million acres of fertile farm lands, destroyed much livestock and many farm buildings, and injured business over a wide area. It caused a material reduction in local tax collections and at the same time entailed unusual expenditures from county funds for poor relief, the repair of roads and bridges, and other projects.

In the maintenance of the cooperative extension system under the Smith-Lever Act the major portion of the expense of employing county agents is paid from county funds, the usual plan being to pay half or less than half of the salary of such agents from State and Federal funds and to pay the remainder of the salary and office and travel expenses from county or other local funds. The present financial condition of the flooded counties will make it impossible for most of them to continue their contributions to the salaries and expenses of county extension agents at a time when the services of these agents are greatly needed to assist rural people in rebuilding their homes, renovating their premises, and reestablishing themselves on a satisfactory basis. Careful estimates made by the directors of extension in the several States affected indicate that approximately $500,000 will be needed to take over the portions of salaries now paid to county agents from county and local funds in counties seriously affected by the flood and to employ agricultural and home demonstration agents in such counties where agents are not now employed. In the case of agents now employed the portion of salaries now paid from State and regular Federal appropriations would continue to be so paid, but in the case of additional agents it would be necessary to pay their entire salaries from the appropriation here proposed. It is expected that the counties would supply office quarters and provide for necessary operating expenses.

The area devastated by the flood is largely populated with negro farmers, and especially effective extension work has been done in this region by negro men and women extension agents. The appropriation authorized in this bill (S. 672) would be sufficient to employ negro extension agents in the counties in the flood area with large negro population where such agents are not now employed, and to continue the services of agents now on the rolls. In some instances an agent may serve two or more counties, in which case provision would be made for travel expenses.

It is the thought of the directors of extension in the States concerned that the additional county extension agents employed under the authorization proposed in S. 672 could be supervised with the present administrative and supervisory forces and that practically the entire amount would be available for the employment of county extension agents.

Extension agents in the flooded counties have rendered extremely valuable service in flood relief and rehabilitation, and it is very desirable to continue and extend this service during the emergency period until the rural population has had opportunity to recover to some extent from the flood. The appropriation authorized in S. 672 should be sufficient to provide for the necessary county extension agents until June 30, 1929, at which time it is expected that the counties will be ready to resume their usual proportion of expense in the maintenance of such agents.

A similar proposal was made in H. J. Res. 4, introduced by Representative ASWELL and favorably reported by the House Committee on Agriculture. A statement regarding H. J. Res. 4 prepared by me was submitted to the Bureau of the Budget and returned to the department with the statement that the proposed legislation was not in conflict with the financial program of the President.

Early and favorable action on S. 672 is strongly recommended.

Sincerely,

W. M. JARDINE, *Secretary.*

REIMBURSEMENT OF MONEY ADVANCED BY NEVADA

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from the preceding day, which will be read.

The resolution (S. Res. 106), submitted by Mr. PITTMAN on the 9th instant, was read, as follows:

Resolved, That the Comptroller General is hereby authorized and directed to investigate and report to the Senate the amount of money actually advanced and expended by the State of Nevada, or by the Territory of Nevada and assumed by said State, in aid of the Government of the United States during the War between the States, with such interest on the same as said State has actually paid, in accordance with the opinion of the Supreme Court in New York *v.* The United States (100 U. S. 598); together with such amounts as have been heretofore reimbursed said State by the United States.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. PITTMAN. Mr. President, this resolution is supplemental to another resolution which is now pending before the Committee on the Judiciary, to consider which a subcommittee has been appointed. The resolution which has just been read is merely in aid of that; in other words, it does nothing except to ask for a report.

Mr. CURTIS. For the use of the committee?

Mr. PITTMAN. That is all.

Mr. CURTIS. There is no objection to it.

Mr. PITTMAN. I ask for the adoption of the resolution.

The resolution was agreed to.

CHARLES H. SEND

Mr. FLETCHER. Mr. President, there is a bill on the calendar which is intended to give relief in the case of a homestead entry. The entryman entered the land in accordance with original surveys, but there was a mistake in the surveys. The department recommends the passage of the bill in their report.

Mr. SMOOT. What is the number of the bill?

Mr. FLETCHER. Its calendar number is 49, being the bill (S. 440) for the relief of Charles H. Send. The concluding sentence of the letter of the Acting Secretary of the Department of the Interior in regard to the bill is as follows:

> The amendment of the entry as proposed would be a measure of relief from the loss Send has sustained by the erroneous allowance of the entry, and I recommend that the bill be enacted.

The committee has reported the bill unanimously; it will take but a moment to consider it; and I ask unanimous consent for its immediate consideration.

Mr. CURTIS. I understood the Senator to say that the bill had been recommended by the department.

Mr. FLETCHER. Yes; it has been so recommended.

Mr. CURTIS. There is no objection to the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to amend the homestead entry of Charles H. Send, made March 20, 1924, so as to describe lot 3, section 14, township 4 south of range 15 west, of the Tallahassee meridian, Florida, containing 80 acres, in lieu of the subdivision now embraced therein, and to accept the commutation proof submitted by said Send on October 8, 1925, if found otherwise satisfactory, upon payment for the land at the rate of $1.25 per acre.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SADIE KLAUBER

Mr. BRATTON. Mr. President, the bill (S. 434) for the relief of Sadie Klauber, being Calendar No. 36, is similar to a bill which was passed through the Senate at the last session of the Congress. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill referred to by the Senator from New Mexico?

Mr. SMOOT. Let it be read first.

The Chief Clerk read the bill, as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to Sadie Klauber, so long as she continues to suffer with tuberculosis, the sum of $60 per month from and after April 16, 1926, as compensation for permanent physical disability resulting from disease contracted in line of duty while employed in the United States Veterans' Hospital No. 55, Fort Bayard, N. Mex. Such monthly payments shall be paid through the United States Employees' Compensation Commission.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico?

Mr. CURTIS. Was the bill referred to the Veterans' Bureau and recommended by them?

Mr. BRATTON. It was referred to the Veterans' Bureau and a full résumé of the case was made. General Hines concluded with this language:

> It is believed that the committee will be able to judge for itself the merits of this bill and the propriety of its passage.

The Senate passed an identical bill during the last session of the Congress. A full explanation of it was then made.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico?

Mr. SMOOT. Just a moment, Mr. President; I should like to read the report.

Mr. CURTIS. Mr. President, may we not proceed with the calendar until the Senator from Utah has had an opportunity to read the report?

The PRESIDING OFFICER. Morning business is closed, and the calendar under Rule VIII is in order.

Mr. CURTIS. Let it be understood that when the Senator from Utah has read the report that we will recur to the bill of the Senator from New Mexico. I will ask if that is satisfactory to him?

Mr. SMOOT. I see it is quite a lengthy report, but it will not take me very long to read it. If we could proceed with the calendar under Rule VIII it will afford me an opportunity to read the report.

Mr. BRATTON. Very well.

The PRESIDING OFFICER. The bill will be temporarily passed over.

THE CALENDAR

The PRESIDING OFFICER. The calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

CANAL ZONE PENAL CODE

The bill (S. 1256) to amend the penal code of the Canal Zone was announced as first in order.

Mr. KING. I ask that the bill may be read.

The Chief Clerk read the bill, which had been reported from the Committee on Interoceanic Canals with amendments, on page 2, line 5, after the word "exceeding" to strike out "$1,000" and insert "$200," and in the same line, after the word "exceeding" where it occurs the second time, to strike out "five years" and insert "one year," so as to make the bill read:

> *Be it enacted, etc.*, That chapter 5, Title 16, of the Penal Code of the Canal Zone be amended by adding to section 357 the following section:
>
> "SEC. 357a. Any person who, without the consent of the owner, shall take, use, operate, or remove, or cause to be taken, used, operated, or removed, from a garage, stable, or other building or from any place or locality on a public or private highway, park, parkway, street, lot, field, inclosure, or space, an automobile or motor vehicle, and operate or drive, or cause the same to be operated or driven, for his own profit, use, or purpose, shall be punished by a fine not exceeding $200 or imprisonment not exceeding one year, or both such fine and imprisonment."

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

Mr. FLETCHER. Mr. President, do I understand that the bill applies only to the Canal Zone?

The PRESIDING OFFICER. The Chair is advised from the title of the bill and its contents that it is a bill to amend the penal code of the Canal Zone.

Mr. KING. Mr. President, I do not see the particular purpose of the bill. There may be some specific reason for its passage. It seems to me the measure rather confounds larceny with some form of trespass.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from South Carolina?

Mr. KING. I do.

Mr. BLEASE. I notice that the chairman of the committee is not present. I will state to the Senator from Utah that the only purpose of the bill is to reduce the amount of the fine and leave the matter to the discretion of the court.

As the law now stands, it provides for not less than $1,000 fine. It seems that that is considered excessive, and this bill is merely to leave it to the discretion of the court; not to make any change except as to the Panama Canal Zone, and only as to the punishment.

Mr. KING. If that is the only object, I have no objection to the measure; but it does seem to me that it confounds a trespass with a larceny. As I listened to the reading of the bill I could not tell whether it was an attempt to punish for grand larceny for the asportation of a machine or the taking of a machine unless there was a felonious intent; and the bill is silent as to whether there must be a felonious intent, whether they are to treat the taking of a machine as a mere trespass not amounting to a larceny.

I do not know the statute which exists in the Panama Canal Zone dealing with this subject; but if what the Senator has said is true, that it merely reduces the punishment from a peremptory fine of a thousand dollars and leaves it discretionary, I shall not object to its consideration.

Mr. BLAINE. Mr. President, I will state to the Senator from Utah that the War Department, as I understand, communicated with the chairman of the committee, stating that the present law in the Panama Canal Zone with reference to the taking of an automobile without the owner's consent provided for a penalty of only $25 and constituted an offense only of disorderly conduct. The department therefore proposed the bill that is before the Senate, providing for a fine of $1,000 and imprisonment for five years.

This is new legislation. This is not amending any present penal statute with reference to the Panama Canal Zone. Upon my suggestion the fine was reduced to $200 by amendment and the imprisonment to not exceeding one year, so that, whatever the offense may be, it would not be a felony.

Personally I have some doubts with respect to the advisability of passing the bill at all; but I understand that many of the States have similar provisions penalizing the taking of an automobile without the owner's consent quite without regard to whether or not it is a felonious or willful taking in a criminal sense.

I think, Mr. President, and I have often so stated, that those who are out of jail owe some duty to those who may go to jail. It is a very simple thing to have a safety device or lock on an automobile. Every automobile manufactured within the last year or two has such a device; and where that device is employed it prevents the taking of an automobile without the owner's consent in most cases. The War Department referred particularly to "joy riders," particularly those who might pick up a car upon the street, or even parked in a yard, and drive out into the country or about a village, with no intention to steal the automobile, but merely for the purpose of recreation, as they might consider it, "joy riding."

I doubt very much whether we ought to dignify that sort of a trespass as an offense by making it a felony, and for that reason I suggested the reduction of the penalty so that it would be regarded only as a misdemeanor.

In the absence of the chairman of the committee I do not like to suggest that this matter be pressed at this time. Perhaps it ought to go over. I think, however, in conformity with the laws of the States generally, that there might well be some legislation upon this question. Perhaps the penalties imposed in the bill are too harsh. That, of course, is a question for every Senator to determine.

Mr. WALSH of Montana. Mr. President, I have had the same misgivings expressed by the Senator from Wisconsin [Mr. BLAINE] and the Senator from Utah [Mr. KING] with respect to this bill. As indicated by both Senators, it does penalize the taking of an automobile without the consent of the owner, whether that taking is felonious or criminal in its intent or not. I believe that the bill might very properly have the further consideration of the committee, and I move that it be recommitted to the Committee on Interoceanic Canals.

The PRESIDING OFFICER. The Senator from Montana moves that the bill under consideration, being Senate bill 1256, be rereferred to the Committee on Interoceanic Canals.

The motion was agreed to.

The PRESIDING OFFICER. The Secretary will state the next bill on the calendar.

BILL PASSED OVER

The bill (S. 1946) relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. Upon objection, the bill will be passed over.

KATE MATHEWS

The bill (S. 3) for the relief of Kate Mathews was considered as in Committee of the Whole.

The bill had been reported from the Committee on C[illegible]ns with an amendment, on page 1, line 6, after the words "sum of," to strike out "$10,000" and to insert "$5,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kate Mathews, of San Antonio, Tex., out of any money in the Treasury not otherwise appropriated, the sum of $5,000 as compensation for injuries received and expenses incurred by reason of having been struck by a United States Army automobile in San Antonio, Tex., on the 30th day of September, 1920, the automobile being driven at the time she was struck by First Lieut. Roscoe S. O'Hara, Air Service, United States Army.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. KING. Mr. President, is there a report accompanying the bill?

Mr. SHEPPARD. Mr. President, let me say to the Senator from Utah that this bill passed the Senate at the last session. It is one of the usual cases where a civilian was injured by collision with a vehicle operated by an officer of the United States Army or by some one in the service of the United States.

Mr. KING. What was the extent of the injury?

Mr. SHEPPARD. The lady was a school-teacher, advanced in years. She was laid up for several months and has been permanently crippled by this injury. The amount is the amount usually allowed in such cases. Her case is especially deserving on account of the fact that she has been disabled for life.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SADIE KLAUBER

Mr. BRATTON. Mr. President, the Senator from Utah has completed his investigation of Senate bill 434, Order of Business No. 36. I ask unanimous consent that we return to that number now.

The PRESIDING OFFICER. The Senator from New Mexico asks unanimous consent to return to Order of Business No. 36, Senate bill 434. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 434) for the relief of Sadie Klauber, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sadie Klauber, so long as she continues to suffer with tuberculosis, the sum of $60 per month from and after April 16, 1926, as compensation for permanent physical disability resulting from disease contracted in line of duty while employed in the United States Veterans' Hospital No. 55, Fort Bayard, N. Mex. Such monthly payments shall be paid through the United States Employees' Compensation Commission.

Mr. SMOOT. Mr. President, I shall offer no objection to the passage of the bill at this time; but it is a very, very close question whether the bill ought to pass or not. So far as I am concerned, I shall give the benefit of the doubt to the woman. In doing so, we shall have to take the position that the woman was married to a soldier and had never been living with him for five years, although they were both in the same hospital. Of course, if she did not live with him, there is a reason for granting the pension, and it ought to be granted to her. If she did live with him, she has no right to it.

So far as I am personally concerned, I am going to give the woman the benefit of the doubt.

Mr. KING. Mr. President, I should like to ask the Senator from New Mexico a question. If this measure is passed and becomes a precedent which we shall follow, will not every employee of the Government who receives an injury or who becomes ill, and that illness is protracted, or is of short duration for that matter, have a valid claim upon the Government?

Mr. BRATTON. No; Mr. President. This case presents an unusual state of facts, and, in my judgment, has an unusual amount of merit. For the benefit of the Senator from Utah, I shall state the facts.

Mrs. Klauber married her husband at New York April 14, 1921. The very next day he left New York for Fort Bayard, and became a patient in the tubercular hospital there. She went thereto two months later; and in July, 1921, she became a nurse in the hospital, and was assigned to the treatment of tubercular patients, being ex-service men, her duties being principally to spray their noses and throats. She continued in that employment for nearly four years, when she was stricken with pulmonary tuberculosis contracted in line of duty.

The report of the committee is supported by statements from six doctors that, in all probability, she contracted tuberculosis from her treatment of these patients. She makes an affidavit, her husband makes an affidavit, and four ex-service men at Fort Bayard make affidavits that during that four-year period she lived with the female employees of the hospital, while her husband lived in the hospital with the men. They lived apart. The Employees' Compensation Commission denied her claim for benefit under the law, on the theory that she probably contracted the disease from her husband. I repeat that she testified that during all that period of time she and her husband lived apart. He testified to the same thing. Four ex-service men in the fort make affidavits to the same facts.

Six doctors say that in their judgment probably she contracted the disease in line of duty.

Mr. KING. Will the Senator permit me to inquire what would be the compensation allowed under the law were she to come within the terms of that act?

Mr. BRATTON. I understand it would be the same amount as that fixed by the bill.

On these facts I am convinced that the bill has abundant merit, and should pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 19) for the relief of Frank Topping and others was announced as next in order, and was read.

Mr. KING. Let the report be read.

The PRESIDING OFFICER. The Secretary will read the report.

Mr. SMOOT. There is no report accompanying this bill.

Mr. CAPPER. Let it go over.

Mr. SMOOT. The author of the bill asks that it may go over.

Mr. CAPPER. I suggest that we pass over the bill.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

CLARA E. NICHOLS

The bill (S. 120) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Clara E. Nichols, a former employee of the education and recreation division, Adjutant General's office, War Department, Los Angeles, Calif., the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

Mr. KING. Let the report be read.

The PRESIDING OFFICER. The Secretary will read the report.

The Chief Clerk read the report (No. 21), submitted by Mr. BAYARD on the 9th instant, as follows:

The Committee on Claims, to whom was referred the bill (S. 120) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in Senate Report No. 75, Sixty-ninth Congress, first session, which is appended hereto and made a part of this report.

[S. Rept. No. 75, 69th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (S. 2096) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in Senate Report No. 989, Sixty-eighth Congress, second session, which is appended hereto and made a part of this report.

[S. Rept. No. 989, 68th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (S. 3618) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to waive the statute of limitations in the application filed by Clara E. Nichols, a former employee of the education and recreation division, Adjutant General's Office, War Department, Los Angeles, Calif., the provision of an act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, in order that she may receive the same consideration as though she had applied within the specified time required by law."

STATEMENT OF FACTS

Clara E. Nichols, a woman of about 30 years of age, without relatives, kin, or means upon which to depend, June 4, 1917, entered the Government service as a first-grade clerk, under civil-service classification, in the property section of the Ordnance Office, War Department, under Chief Clerk Hugh M. Purcell. She worked during the flu epidemic of 1917 and also of 1918, and in addition to her official duties as clerk was assigned to and did welfare work among the sick employees of the Government. In doing this welfare work she came in contact with many suffering with the flu, some of whom later died.

All of the evidence submitted by affidavit shows that the conditions under which the Government employees worked at Seventh and E Streets, and also at the Hoge Building, and also at the Ford Building on Pennsylvania Avenue, were very bad, dangerous to health, and many employees suffered from these conditions.

November 11, 1918, she was transferred to the office of the director of civilian marksmanship at 1115 Woodward Building, Maj. Richard D. La Garde in charge.

Early in January, 1919, the claimant suffered an attack of Spanish flu.

December, 1919, shortly after Christmas, the claimant had a second attack of the flu.

January 24, 1920, the claimant had a hemorrhage.

March 11, 1920, she had an X-ray examination, which disclosed pulmonary tuberculosis.

Major La Garde, in the interest of the other employees in his division, refused to let the claimant come back into the office for work, and she was transferred to the Militia Bureau.

April 21, 1920, the claimant took up work in the Militia Bureau and continued there until September 11, 1920.

September 11, 1920, the claimant had a second X-ray examination to see what progress she had made in fighting the tuberculosis ravages, and, much to her surprise, found that the area involved had doubled since her former examination, and she immediately made efforts for a transfer to California, where the climate would be more conducive to her recovery.

October 24, 1920, she assumed her duties as bookkeeper in the United States Army motion-picture service at Los Angeles, Calif.

May 20, 1921, the Los Angeles office was closed and the work consolidated with the work at the San Francisco office, and the claimant was transferred to San Francisco to continue her work.

In August, 1921, claimant's voice gave out, and she was unable to speak above a whisper until the following year while in New Mexico.

December 3, 1921, the work was finished at San Francisco and the office closed.

Since December 3, 1921, the claimant has been unable to work in any position.

June 23, 1922, claimant left San Francisco for Los Angeles to rest and recover sufficiently to go on to New Mexico, where her physicians advised the climate would be better and more conducive to her recovery.

August 1, 1922, she left Los Angeles for Albuquerque, N. Mex., in which vicinity she has since remained and now is.

January 20, 1924, the claimant, for the first time, learned of the existence of the United States Employees' Compensation Commission.

January 21, 1924, she wrote to the commission for blanks, after which she secured, by correspondence with her various chiefs and associates, affidavits in support of the application she desired to file with the compensation commission, and these were secured from all over the United States, and one from the Canal Zone.

July 25, 1924, the claimant filed her application, supported by the affidavits, doctors' certificates, and other evidence required for compensation.

The claimant, having used all of her available income and means to effect a cure while she was still working, found herself, at the conclusion of her services in San Francisco (December 3, 1921), entirely without funds and unable to follow any employment.

Since that time she has borrowed from month to month for her needs, hoping for a restoration of health and return to work that she may earn, live, and repay the loans various friends have kindly made her.

The aggregate amount of borrowed money is somewhere near $2,500.

Her physical condition, although somewhat improved, is retarded, and the effect largely overcome by reason of the mental worry over her helpless financial condition.

The United States Employees' Compensation Commission was obliged to reject her claim for the reason that it was not filed until August 7, 1924, while her disability was complete from and after December 3, 1921, and the law under which this commission is created and operates provides a limitation of one year from date of disability within which claim of compensation may be made, leaving the commission without discretion.

December 9, 1924, Senator Bursum, of New Mexico, introduced S. 3618 for the relief of the claimant, and this bill, in its effect, merely waives the statutory limitation written into the act creating the com-

mission, leaving it entirely to the commission to act in a judicial capacity upon the evidence submitted by this claimant.

The director of ordnance welfare, under date of November 5, makes the following report on claimant's service and condition:

"I have been in touch with Miss Nichols for the past four years and our welfare board has rendered substantial financial assistance during this period and knows her distressing condition intimately.

"In 1917 during the epidemic of influenza she contracted this disease and, because of inadequate nursing facilities at this time and the overcrowded housing conditions, it left her in a tubercular condition. She was soon after this transferred to San Francisco with the hope that the change of climate would at least arrest the disease, but her condition seemed too far advanced. In January, 1920, she had quite a severe hemorrhage and since that time she has steadily grown worse, and for the past two years she has not been able to perform work of any kind.

"Miss Nichols has no living relatives, and, aside from what funds her friends and associates have contributed, she has no money to make her at least comfortable for the short period of time it is felt she will live. Her physician here, Dr. Everett M. Ellison, of 1720 M Street NW., told me he was surprised to hear that she is still living.

"She has presented her case to the compensation commission, together with letters from her physician and people with whom she has worked in the departments. I feel that Miss Nichols is just as much entitled to compensation as one of our soldier boys, since her condition was contracted in line of duty.

"The ordnance welfare board sincerely hopes that her case will receive favorable action at the earliest possible date.

"Very respectfully,

"Mrs. L. H. PRINTUP,
"Director of Ordnance Welfare."

CONCLUSIONS

The act creating the United States Employees' Compensation Commission, effective September 7, 1916, is merely an act to authorize the Federal Government as an employer, to do those humane things which the considerate private employer does voluntarily.

The section limiting the time within which claims may be presented for the consideration of this commission is a wholesome provision intended to compel the presentation of claims within a reasonable time after the disability while the evidence to defend a fraudulent claim is available to the Government.

It is probably wise to withhold authority from the commission to exercise discretion with reference to this time limit.

The power to create this act, which is vested in Congress, should also, through Congress, waive the limit written into the act whenever the facts presented disclose that justice will be meted out by the waiver of such limit.

The facts as presented by Clara E. Nichols, claimant under this bill, and supported by the affidavits of reputable officials under whom she worked or by whom she was employed and treated, clearly presents a case where justice can only be meted out by waiving the time limit for presentation of her claim.

In addition to this, the claimant also makes a showing that she did not have knowledge of the existence of the Employees' Compensation Commission until the day before she wrote for blanks upon which to file her claim.

Ignorance of law is said to be no excuse, and as a legal maxim this is true, but in everyday life and in the dealings between men it is not true and should not be, and even in course of law and equity ignorance of the law is considered by "tempering justice with mercy."

It must always be remembered that until recently the Comptroller General of the United States uniformly held that the United States Employees' Compensation Committee could not pay claims for disability resulting from illness incurred in the service, but only for accident, and therefore Miss Nichols's claim would have been rejected by the commission for this reason even if she had filed it within the statutory limit.

The claimant is helpless, physically and financially, and is fast becoming a mental wreck because of these disabilities.

She evidently gave faithful service to her Government during the period of her several employments, and in rendering that service contracted the vicious, destructive disease that is sapping her life away.

It is just such cases as these that the compensation act of September 7, 1916, was made to meet.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE B. BOOKER CO.

The bill (S. 342) for the relief of George B. Booker Co. was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George B. Booker Co., of Wilmington, Del., out of any money in the Treasury not otherwise appropriated, the sum of $102.69, said sum being due George B. Booker Co. for merchandise furnished to the Reedy Island Naval Station mess during the year 1918.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

R. H. KING

The bill (S. 1766) for the relief of R. H. King was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay," to insert the words "out of any money in the Treasury not otherwise appropriated."

The amendment was agreed to.

Mr. SMOOT. Mr. President, I notice that the Postmaster General says:

> The report shows that the postmaster was lax in the manner of handling the post-office accounts and cash. I am therefore of the opinion that this case does not merit legislative relief.

I therefore object.

Mr. SHEPPARD. Mr. President, let me state to the Senator that the postmaster was found by the inspectors to have been guilty of no dishonest conduct. He is over 60 years of age. He paid the amount of the loss out of his own funds, and he was in such severe financial straits that he was compelled to use his life insurance to pay it. In view of the fact that there was no dishonesty on his part, the committee felt that the amount should be made good to him. The bill passed the Senate at the last session, and there are numerous precedents.

Mr. SMOOT. That may be true; but I would not want to vote for a bill where the Postmaster General says that the Government is not responsible. There are no mitigating circumstances that would justify payment.

Mr. SHEPPARD. Would the Senator condemn this man for this loss? It is my judgment that he took every reasonable precaution.

Mr. SMOOT. If it was his own fault, he ought to be condemned.

Mr. SHEPPARD. Congress has on a number of occasions indemnified other people under circumstances like this.

Mr. SMOOT. I hardly think it has where there was such a report as in this case. If we allow a bill like this to become a law it simply is tantamount to saying to every postmaster in the country, "You can lay money around anywhere, and if it is lost you can get a refund."

Mr. KING. Or any employee of the Government.

Mr. SMOOT. Yes; any employee of the Government. The time will come, and I hope it will not be long in coming, when there will be some kind of protection to the Government, by bond or otherwise, so that in cases like this, and others that happen and come to this body so often, the Government of the United States is not going to lose money. When a postmaster is appointed he is supposed to use diligence, and he is responsible for the money that comes into his hands. In this case the Postmaster General says that this man was lax in his duty, and for that reason lost this money.

Mr. SHEPPARD. Let me ask the Senator this question: If money has been lost under other postmasters under similar circumstances, should not relief be granted here. The Senator knows that the Congress has passed a number of measures like this.

Mr. SMOOT. No; not like this. Wherever there is a burglary, and a safe is broken open, Congress has never failed to refund the money that was stolen, or credit the postmaster.

Mr. SHEPPARD. In this case war savings stamps were stolen from the bank in which the postmaster had deposited them.

Mr. SMOOT. Certainly they were stolen, but they were stolen because the postmaster was lax in his duty. I would like to have the bill go over, and I will talk with the Senator.

The PRESIDING OFFICER. The bill will go over, under objection.

ESTATE OF JOHN STEWART

The bill (S. 1622) for the relief of the estate of John Stewart, deceased, was announced as next in order.

Mr. KING. Let the report be read.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk proceeded to read the report (No. 18) submitted by Mr. STEPHENS from the Committee on Claims on the 9th instant.

THE TARIFF AND AGRICULTURAL RELIEF

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the resolution (S. Res. 52) submitted by Mr. McMASTER, favoring a reduction of tariff schedules and the consideration of tariff legislation at the present session of Congress.

TAX REDUCTION

Mr. WALSH of Massachusetts. Mr. President, for three days we have been discussing the question of modifying or changing our tariff laws. The discussion has been very interesting and perhaps helpful, but can result in no definite action. The country is interested in a question that can be settled without delay, and that we ought to be now considering.

I call attention to the fact that before this Congress convened it was heralded far and wide that the chief and immediate business of this session was to be tax reduction. The country was promised early consideration and early enactment of a tax reduction law. The House of Representatives passed a new revenue bill which came into the Senate on December 17. Since that time no action has been taken in the Senate. There has been no meeting of the Finance Committee to consider this important measure. No statement explanatory of this delay has been made upon the floor of the Senate. Statements have been made from time to time in the press to the effect that consideration of the bill had been postponed or was to be postponed until March. I believe it was also asserted in the press that a majority of the members of the Finance Committee favored such postponement. There is now an apparent purpose to keep this measure buried in the Finance Committee.

Mr. President, I want to suggest to the Senator from Utah that the people of the country are vitally interested in the matter of tax reduction. Many business interests of the country that at present are far from prosperous are very anxious to have the Congress carry out the promise which was made, that they would be given tax relief without delay. I now ask the Senator from Utah why some action has not been taken? What is the reason for the delay? Why has there been a change of attitude? Is it politics? Why has not the promise been kept to act promptly to relieve the tax burdens of all classes of taxpayers, the one thing which the majority party repeatedly promised the people of this country they would do?

Evidently there has been some change of mind, some change of policy. It has been intimated that it was for political reasons. I think the country and the Members of the Senate are entitled to know officially, and not through the press, what is the attitude of the chairman of the Finance Committee and what is the attitude of the majority members of the Finance Committee. I would like to have the Senator make any statement that he cares to make in that connection.

I repeat, I do not know of any public question in which the people of the country are more interested to-day than tax reduction. There is a general demand upon all sides for it, and I hope the Senator from Utah, who is in charge of the bill in the Finance Committee, will hasten consideration of the measure in order that we may give the relief which the country has been asking for and which it is expecting.

Mr. SMOOT. Mr. President, I desire to say to the Senator from Massachusetts that I intended to call a meeting of the Finance Committee during the past week, but on account of the illness of the senior Senator from North Carolina [Mr. SIMMONS], the ranking Democratic member of the committee, I have not called a meeting of the committee. When he left here for the Christmas holiday recess he expected to be back on the Friday following the opening of the session.

Mr. WALSH of Massachusetts. Aside from that, has not the Senator made the statement that the matter was postponed because——

Mr. SMOOT. I will cover the question if the Senator will allow me to do so. For that reason there has been no meeting of the committee. That is in answer to one of the questions the Senator asked.

As to the early consideration of the revenue bill, I wish to give my views. The committee has not met, but I have every reason to believe, from what I have heard from members of the committee, that their views coincide with mine as to the time to report the bill.

It is true that the American people have been promised a reduction in taxation. No one is more anxious to bring that about than myself. I doubt whether there is a Member of the Senate who would even question the wisdom of such action. There is, however, a situation which I myself believe ought to be taken into consideration before the passage of a revenue bill at this session of Congress. In the first place, if appropriations are made in response to all of the demands which will be forced upon Congress, appropriations sufficient to cover them all, the situation will be quite different as to how much reduction we should make in taxes. By the postponement of the consideration of the bill until after March 15 no taxpayer will lose anything.

Mr. WALSH of Massachusetts. How will we, after March 15, know any more about what appropriation bills will be passed than we know now?

Mr. SMOOT. I think a number of them will be agreed to by that time, either defeated or passed.

Mr. WALSH of Massachusetts. But the session will not adjourn on March 15? Bills involving appropriations will be under consideration until the very end of the session.

Mr. SMOOT. But we will know what the regular appropriations will be. We have a good idea now as to what they will be, just the same as we would have in any session of the Congress. But in addition there are appropriations demanded for the Boulder Dam, for flood relief, for farm relief, for the canal——

Mr. WALSH of Massachusetts. If we wait for all of those matters, it may be next June before we consider the tax bill, instead of after March 15.

Mr. SMOOT. No. If the House pass upon them, as they think they will be able to do, some of them will be over here very soon. I as chairman of the Finance Committee, and I believe the Senator would take the identical position as a member of that committee, believe that it would be unwise to pass a revenue bill which would result in a deficit at the end of the fiscal year.

Mr. WALSH of Massachusetts. But that has not been the practice in the past. We have gone ahead and had hearings on revenue bills without considering other pending legislation.

Mr. SMOOT. Yes; when we knew we would have ample money to meet every obligation on the part of the Government. But things now are quite different than they have been in the past, with all these great projects proposed, and from what I understand from expressions I received from other Senators some of those measures are going to pass.

Mr. FLETCHER. Mr. President, the Senator will recall that a great many taxpayers are entitled to relief in the matter of the taxes due March 15.

Mr. SMOOT. But that is not hurting any of the business of the country.

Mr. FLETCHER. The Senator said that would not interfere with the payment of taxes.

Mr. SMOOT. It will affect the theaters, perhaps, and a few others paying an excise tax, but that is all. They collect the amount of the tax imposed now from their patrons. If the bill passes after the 15th of March, whatever the bill may provide by way of reduction in taxes for the year 1928 can be refunded if paid by the taxpayer. If he pays the whole tax on March 15, which many do where it is in a small amount, then whatever reduction is made will be refunded to him. If he pays the quarterly payment that is assessed against him under the existing law on March 15—and there is no change in the law until that time—from the second payment on the 15th of June he can deduct whatever he is entitled to deduct by reason of the reductions which Congress at this session may provide. So the taxpayers will lose nothing and the Government itself will be absolutely safe and sure of having sufficient money to meet all its requirements, both the ordinary requirements which we have and the special ones that are bound to be created at this session of Congress.

Mr. WALSH of Massachusetts. But the taxpayer on March 15 must make his return based on existing law.

Mr. SMOOT. Certainly.

Mr. WALSH of Massachusetts. The Senator thinks if the bill is enacted later, as it will be in view of his plan——

Mr. SMOOT. I have not any doubt about it.

Mr. WALSH of Massachusetts. That refund payments can be made to those taxpayers who pay under the present tax law?

Mr. SMOOT. We did that once before, and there was no trouble about it.

Mr. WALSH of Massachusetts. So the Senator expects to make the legislation retroactive?

Mr. SMOOT. Absolutely. There is no question about it, I will say to the Senator, and no taxpayer will lose anything at all.

On March 25, 10 days after the returns are in, we will know what taxes we are going to receive from the business of 1927. There is no question to-day about the expenses of 1928. We have to look at this matter as applying to the business of 1929, and the only safe way, the only businesslike way in my opinion—and I expect the Senator to agree to it—is to be absolutely safe. The only way we can be safe in this matter is to wait and find out and know positively what taxes we are going to receive from the business of 1927. It is claimed by some that the business of 1927 is just as good as for 1926. The volume is good, but I know that in the last three months

the manufacturers and the merchants have been crowding sales, and I know that the prices they have asked for goods are not as great as they were during the nine months preceding.

Mr. WALSH of Massachusetts. There has been a curtailment of prosperity then?

Mr. SMOOT. It is not as great prosperity to the man who is selling his goods, but it is prosperity to the men and women who buy them.

Mr. WALSH of Massachusetts. The Senator expects a falling off in income-tax receipts on March 15?

Mr. SMOOT. Taking the whole year, it may be that the gain in the United States may be less than we expect, but if it is not less, then we will know what sort of a bill to pass, and there will be no chances to assume whatever.

Mr. WALSH of Massachusetts. I do not care to prolong the discussion.

Mr. NEELY. Mr. President, will the Senator yield to me before the Senator from Utah takes his seat?

Mr. WALSH of Massachusetts. I yield to the Senator from West Virginia.

Mr. NEELY. The Senator from Utah has referred to the Boulder Dam bill and the farm relief bill.

Mr. SMOOT. I can mention three or four others, so far as that is concerned.

Mr. NEELY. Does the Senator believe that the Boulder Dam bill and the farm relief bill will be disposed of by the 15th of March?

Mr. SMOOT. I will say to the Senator from Massachusetts [Mr. WALSH] and also to the Senator from West Virginia [Mr. NEELY] that after the 25th day of March, or perhaps a little later than that, we shall know what the income from the business of 1927 will be. Then we shall be able to judge as to what bills that shall then not have been passed upon by Congress may be enacted, and take up the revenue bill for consideration.

Mr. WALSH of Massachusetts. Then there will have to be several weeks of discussion in committee and several weeks of discussion on the floor here, and it may be far into the summer before the revenue bill shall be passed.

Mr. SMOOT. I expect Congress will have concluded its work by June 15, and I am quite sure that the revenue bill will have been passed before that date.

Mr. WALSH of Massachusetts. So far as I am concerned, I want to close the colloquy. I thank the Senator for answering my inquiries and for the information and assurances which he has given to the Senate, I believe for the first time. Tax reduction is considered by the people of this country to be the most important question before the Senate and the House of Representatives. I think they are disappointed at the dilatory methods we have pursued in delaying action upon this measure, and I, as an humble Member of the Senate and of the Committee on Finance, want to protest against further delay and urge upon the Senator, for whose ability and whose capacity I have great regard, the importance of getting down to the one constructive, helpful thing that we can now do, namely, help business and the taxpayers in general by reducing taxes immediately. I fear, however, this delay may ultimately mean the possibility of no tax reduction.

Mr. BORAH obtained the floor.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. SMOOT. Mr. President, I wish to say that if my mail is any criterion as to the attitude of the taxpayers of this country, they are almost unanimously in favor of waiting until after March, and then to have Congress pass a tax reduction bill which we know will provide sufficient revenue to meet the requirements of the Government.

Mr. BORAH. Mr. President, I am not a member of the Finance Committee and, therefore, I do not speak ex cathedra; neither am I in the confidence of the administration with reference to the tax-reduction measure; but the Senator from Utah [Mr. SMOOT] and the Senator from Massachusetts [Mr. WALSH] may well take into consideration that there are Senators in this body who are not in favor of tax reduction at all, and particularly so, even if it should be in midsummer, until we know something about the obligations which we will have to meet in the future.

I am not nearly so much interested in tax reduction as I am interested in whose taxes are going to be reduced. If we continue the program which we have pursued for the last 10 years we are going to reach a situation in this country pretty soon where we shall have a public debt of some $18,000,000,000, upon which we will be paying interest of some $700,000,000, and an annual Budget of three and a half billion dollars, with other tremendous expenses, and the entire burden loaded onto the average taxpayer. It has been systematically brought about that those who are most able to meet the great burdens which came out of the World War are being constantly relieved of the duty to pay in accordance with their ability to pay, while the vast burden of the Government is being left upon the average taxpayer.

There is no concealing the fact, Mr. President, that we can not make the appropriations which Senators here in good faith are urging and have any tax reduction at this session which will be anything else than a mere subterfuge, because while taxes may be reduced temporarily, if we proceed making appropriations as we now propose to do, the taxes will necessarily have to be placed back upon somebody. There is a proposal of some $300,000,000 for farm relief, and of from $400,000,000 to $600,000,000 for flood relief.

Let me digress to say that I trust we are not going back in providing adequate flood relief to the old practice of cheese paring and political appropriations. Flood control is a task which we have to perform, which the National Government must take care of, and which it ought not to be embarrassed to take care of when the time comes to take care of it by reason of Congress having passed tax reduction bills which we ought not to pass.

Mr. COPELAND. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. Yes.

Mr. COPELAND. Does the Senator from Idaho contemplate that the vast expenditure necessary for flood control is to be paid out of current funds?

Mr. BORAH. Does the Senator mean that bonds should be issued? Most assuredly I am opposed to issuing bonds under any circumstances or conditions. That involves another attempt to reduce taxes upon those who can pay. To issue bonds will mean finally to put their payment and the interest charges upon the average taxpayer.

Mr. COPELAND. If an expenditure of a billion dollars should be required—and I should not be surprised if the cost of flood control should rise to that point—does the Senator believe that we should make provision out of the current funds for the payment of that vast sum?

Mr. BORAH. I do not contemplate that we shall expend the entire sum immediately, but I contemplate that such an obligation will be incurred and that it will have to be met. I also contemplate that it will be met out of current funds by the National Government.

Mr. COPELAND. Does not the Senator consider, however, that that is a project that has to do with the welfare of the people of the Mississippi Valley for years and generations to come, and that we might well distribute the cost of it over a long period instead of having the present generation pay for it?

Mr. BORAH. I do not know how we are going to distribute it over a long period unless it is proposed that the States of the Mississippi Valley shall issue bonds and take care of some of its aspects in that way. Is that what the Senator favors?

Mr. COPELAND. Certainly not. I think it is a national problem and should be taken care of by the National Government, but I can see no reason why we should pay an enormous sum out of the Treasury this year or next year or for two or three years when we are paying for a project which is going to take care of the people for hundreds of years to come.

Mr. BORAH. Mr. President, we ought to have a program with reference to flood control which will embody a complete plan and provide for a complete work when it is finished, and whatever obligation that may impose upon the National Treasury the National Treasury ought to be prepared to take care of it.

I myself am not in favor of unloading this work upon the States in the valley nor in any way shirking the real responsibility which rests upon us.

Then we have Boulder Dam and housing of our Army.

With reference to the Boulder Dam project, it is my judgment that if we longer continue doing nothing in regard to that situation we are conniving at a disaster which will be only less serious than that which has been suffered in the valley of the Mississippi. We should turn our attention to the building up of the internal resources and the internal improvements of the country, and take care of them regardless of the politics which is involved in a proposed tax reduction.

In addition to that, Mr. President, we now have the indorsement of a program to begin what is practically a naval race which, it is already estimated in the beginning, will cost $800,000,000 and if the real figures were given, the cost of the program which is now proposed would be over a billion dollars.

So, Mr. President, while we are talking about tax reduction Congress is being urged, and will be urged, to make appropriations for projects and enterprises which make it absolutely im-

possible to consider any tax reduction of real and permanent value, and, so far as I am individually concerned, I am opposed to tax reduction under the present circumstances. I am opposed to it for the reason, in the first place, that I do not believe it will help those who ought to be helped; I do not believe it will relieve the burden where it ought to be relieved; and, secondly, because we have these obligations to meet and should meet them. If any way can be found to meet these expenditures and at the same time reduce taxes, I should listen with interest to the scheme.

THE TARIFF AND AGRICULTURAL RELIEF

Mr. COPELAND. Mr. President, I inquire what is the business before the Senate?

The VICE PRESIDENT. The resolution of the Senator from South Dakota [Mr. McMASTER] is before the Senate.

Mr. COPELAND. May I inquire, has this resolution been modified by the Senator from South Dakota?

The VICE PRESIDENT. There is an amendment pending which has been offered by the Senator from Oregon [Mr. McNARY].

Mr. COPELAND. But the Senator from South Dakota himself has not offered any amendment, as I understand?

The VICE PRESIDENT. The Senator from South Dakota has not modified his resolution.

Mr. COPELAND. Mr. President, I desire to address myself to the resolution which has been offered by the Senator from South Dakota. Although in its present form I could not vote for it, I assume that before we are called upon to vote there will be some modification. As I understand the real purpose of the resolution, it is intended to call the attention of the country to the fact that "there must be protection for all or protection for none." This is a warning to the Congress that the farmers of America will no longer tolerate a situation where the great industrial and manufacturing concerns are highly protected and made prosperous by reason of protection while the farmer is given no measure of protection.

I am interested in the welfare of the farmer in spite of the fact that I come from the great metropolis of New York. I wish to call attention to the fact that New York State is one of the great farming States of America. My State stands eleventh in the value of farm products. The only States in which the value of farm products exceeds the value of farm products of my State are Texas, because of its cotton; California, by reason of its fruit; Iowa and Illinois, because of their corn; and then New York stands shoulder to shoulder with Kansas, Minnesota, North Carolina, Oklahoma, Wisconsin, and Ohio. In not one of the last-mentioned group of States does the farm value of its products exceed the farm value of the products of my State by more than $25,000,000 a year.

Mr. SHEPPARD. Mr. President, may I ask the Senator a question?

Mr. COPELAND. Certainly.

Mr. SHEPPARD. Has the Senator the figures as to the money value of crop production in the various States?

Mr. COPELAND. I do not have the exact figures, I may say to the Senator.

Mr. SHEPPARD. I notice that the Senator named Texas first.

Mr. COPELAND. Yes.

Mr. SHEPPARD. I wish to call especial attention to the fact that Texas leads the Nation in the value of its farm crops.

Mr. COPELAND. I may say to the Senator that the order in which I named these various States is the order of the value of the products.

Mr. SHEPPARD. I am very glad to have that brought out.

Mr. COPELAND. Texas comes first; next comes California; then Iowa and Illinois; then, as I have said, Kansas, Minnesota, North Carolina, Oklahoma, Wisconsin, Ohio, and then New York. Therefore, Mr. President, anything having to do with the welfare of the farmer is a matter of great concern to any Senator from the State of New York.

I was much interested in the statement of the President in his message. He said—I quote from President Coolidge's last message:

> It is often stated that a reduction of tariff rates on industry would benefit agriculture. It would be interesting to know to what commodities it is thought this could be applied. Everything the farmer uses in farming is already on the free list.

Mr. President, they must have a different way of farming in Vermont than they do in New York, because there are many things used in farming which are not on the free list. I want to call attention to some of these things, because the farmer has consistently voted the Republican ticket. I have no reason to believe he will stop voting that ticket.

The farmer representatives on the other side of the aisle are very much excited about this situation. They have not hesitated to blame the Republican Party, but when it comes time to vote next fall they will vote the Republican ticket just the same. However, I think the farmers of America ought to know how the protective-tariff system affects them, and how much they have been benefited and how much they have been harmed by that system.

I want to say in discussing this matter—and that is the reason why I said in the beginning that I could not support this resolution in its present form—that I believe in the protective-tariff system. I think it is tremendously important to this country that we should have a scientifically applied tariff. I think it is important to my State that there should be such a tariff. We are great manufacturers of cuffs and collars and shirts and paints and paintbrushes and a thousand other things where if we had no protective tariff the workmen and the manufacturers of my State would come in competition with the peasant labor of Europe, and these manufactories would be stifled. But there can be no doubt that this tariff was written in the interest of several great manufacturing concerns, and the farmer was not thought of or his welfare considered when this tariff bill was written.

The history of the protective-tariff system is interesting. In the early history of our country the hatters in Danbury found themselves in competition with the men who made hats in Hartford; and in order that that competition, which lessened the profits, might be done away with, they formed combinations, or what we call to-day trusts. In due time these combinations gained political strength and they were able to control legislation.

It was not long, however, before these combinations found that while they had benefited temporarily, they were in competition with the manufacturers of Europe; and so the question arose, "How are we going to do away with this competition?" Then these powerful organizations came to Washington, and out of it came the protective-tariff system.

The farmer is the victim, because, in spite of the optimism of the President, it is not true that everything the farmer uses is on the free list.

There is another matter which is of vital interest to the farmer.

Mr. McKELLAR. Mr. President, will the Senator yield before he leaves that subject?

Mr. COPELAND. I shall be glad to yield.

Mr. McKELLAR. As I understood the Senator, he said that he regarded the protective tariff as a scientific tax system. Did I correctly understand him?

Mr. COPELAND. No; the Senator did not understand me correctly. I said that I am in favor of a scientifically applied tariff system; but certainly the present tariff law of 1922 is not such a system.

Mr. McKELLAR. Does the Senator think that a tariff law by which $605,000,000 is raised by the Government annually, and the American consumer is taxed not only in that sum but in $4,000,000,000, speaking in round numbers, for the benefit of favored classes, can be made into a scientific system?

Mr. COPELAND. No; not the way that we write tariffs. It never can be done in that way; and there is no more glaring example of what the Senator has in mind than the tariff on sugar.

It is costing the housewives of this country $250,000,000 a year by reason of the increased price put upon sugar, growing out of this tariff.

Mr. BROUSSARD. Mr. President, may I ask the Senator from New York a question or two?

Mr. COPELAND. Certainly.

Mr. BROUSSARD. How many pounds of sugar are consumed in the household at the table annually?

Mr. COPELAND. Suppose the Senator gives me those figures. I assume he has them.

Mr. BROUSSARD. About 30 pounds. The rest of it is used in the manufacture of condensed milk, candy, gums, tobacco, and various other articles where the duty on sugar cuts no figure at all in determining the price. So when it is charged that the American household is being mulcted to the tune of $240,000,000, that figure ought to be cut in two three or four times.

Mr. COPELAND. In view of what the Senator from Louisiana has said, I will change the statement that the housewives are paying $250,000,000 and say that the householders of this country are paying it.

Mr. SMOOT. And if they did not we would have to collect the taxes from some other source.

Mr. BROUSSARD. Mr. President, will the Senator permit another interruption?

Mr. COPELAND. Certainly.

Mr. BROUSSARD. Does the Senator think the duty on sugar affects the price of gum or candy or condensed milk or tobacco or thousands of other articles in the manufacture of which sugar is used?

Mr. COPELAND. Certainly I do.

Mr. BROUSSARD. Does the Senator think that if the duty on sugar were lessened or taken off entirely it would be possible to buy candy for less than $1 a pound?

Mr. COPELAND. Not the dollar-a-pound kind, no; but candy would be sold for less money.

Mr. BROUSSARD. What about the price of chewing gum? Would that be lessened?

Mr. COPELAND. I assume it would. I am not well informed on that subject.

Mr. BROUSSARD. In other words, the Senator believes that if the duty of 1.76 on sugar was removed there would be a reduction all the way down the line, even on chewing tobacco?

Mr. COPELAND. Let me say to the Senator from Louisiana that I do not believe he heard what I said a little while ago. I would not have all the tariff taken off sugar, any more than I would take it off a lot of other things.

I honor the Senator from Louisiana because he is here to protect the interests of his State; and I want to pass word on to his constituents that he is always doing it well.

Mr. BROUSSARD. May I be permitted to say that my people believe that this duty is not high enough.

Mr. McLEAN. Mr. President——

Mr. COPELAND. I yield to the Senator from Connecticut.

Mr. McLEAN. I am surprised that the Senator from Louisiana does not ask the Senator from New York what he thinks the price of sugar would be if there were no protective tariff on it, and, as a result, the beet-sugar men and the cane-sugar men in this country were driven out of business, and we were at the mercy of the foreign producers. I wonder if he knows what the price of sugar would be then.

Mr. SMOOT. You can judge that from war times, when they raised it to 24 and 25 cents a pound.

Mr. McLEAN. It went to 30 cents a pound to the wholesalers.

Mr. COPELAND. Mr. President, I deliberately brought in this reference to sugar because I knew it would "stir up the animals." If we were to take off the tariff on sugar and pay a bounty, we could save $100,000,000 a year.

Mr. SMOOT. May I ask the Senator where he would get that $100,000,000 from? He has to have it from some source to pay the expenses of the Government. Where would the Senator place that burden, then?

Mr. COPELAND. Mr. President, I am frank to say that I could not get it, because the watch dog of the Treasury here would prevent it.

Mr. SMOOT. But if you could, and if the watch dog should say, "Yes; we will take it off," where would you place that burden of $100,000,000?

Mr. COPELAND. Of course, Mr. President, as the Senator well knows, I am not anticipating that that is going to happen; but I do know that if I may trust at all the word of those engaged in the sugar business in my section of the world, the tariff on cane sugar—as it involves cane sugar—could be materially reduced.

Mr. SMOOT. Mr. President, I think sugar is about the only product raised on the farm the price of which is less now than it was before the war. I want to say to the Senator that as far as the industry is concerned under existing conditions, with overproduction of sugar in Java and Cuba and different sections of the world, the stock of the sugar companies is almost worthless. Not only that, but I wish to say to the Senator——

Mr. COPELAND. Just one moment. The Senator spoke about Cuba.

Mr. SMOOT. Just a moment; I want to finish this. Here are the Philippine Islands, which have a free market for sugar into the United States. They can raise sugar for less money than it can be raised for in Cuba. I have a copy of the interview between the junior Senator from Montana [Mr. WHEELER] and the largest sugar producer in the Philippines, in which he admitted to the Senator that he had made approximately 50 per cent on his capital stock that year. Not only that, but when the Senator from Montana asked him, "What wages are you paying your men in the sugar fields of the Philippines?" his answer was, "Forty cents a day"; and yet that flood of sugar coming into this country, that was limited to 300,000 tons before the act of 1913, has no limitation now.

This body was told that it was impossible to produce at any time more than 300,000 tons of sugar in the Philippines, but last year they produced more than double that amount, and all of the American market here was open free to them. Not only that, but I want to call the Senator's attention to Porto Rico. We imposed a small duty of 80 cents or a dollar upon sugar cane, and what are the Porto Ricans doing now? They are shipping sugar cane from San Domingo into Porto Rico and making it into sugar, and then from Porto Rico bringing the sugar into the United States free of duty. All these things you have to take into consideration when you are discussing the question; and it is a big question at that.

Mr. McLEAN. What has been the average price of sugar since the enactment of the tariff law of 1922?

Mr. SMOOT. As I have said, it is the only farm product I know of that has not advanced in price. The Senator could have gone down the street several months ago and bought sugar at retail for 5 cents a pound. Not only that, but as far as the beet grower is concerned the farmer gets his $7.50 a ton for his beets, no matter what the price of sugar is, and if there is anything made he gets half of the profit. Can farmers object to that? They are not objecting to it; and I will say to the Senator that there is not a commodity raised on the farm that is cheaper to-day than it was before the war with the exception of sugar.

Mr. COPELAND. Mr. President, the Senator from Utah lives up to the high reputation I give him in all the speeches I make in the State of New York. I say up there, and I say now, that he is the ablest defender of the sugar tariff on the face of the earth. Now, I want to ask him a question. Does the tariff on sugar increase its price in this country?

Mr. SMOOT. Of course it increases the price.

Mr. COPELAND. What is the aggregate amount?

Mr. SMOOT. One dollar and seventy-six cents a hundred.

Mr. COPELAND. But how much do the housewives, or, let me say, how much do American citizens pay for sugar in excess of what they would pay if it were not for this tariff?

Mr. SMOOT. I do not think they pay anything in excess. If you place the sugar in the hands of five or six refiners in the United States, I tell you that there would be no reduction, in my opinion, in sugar. Take all the beet sugar off the market and see how quickly the New York refiners and Philadelphia refiners will raise the price of sugar. I have had charts here showing exactly what changes were made, and the exact dates, when there was no domestic sugar to sell. They put on whatever price they wanted to. It is one commodity, handled by about seven concerns of the United States.

Mr. COPELAND. That is, if we did not have the scarlet fever, we would have the measles.

Mr. SMOOT. I think you would have both scarlet fever and measles with no local production of sugar.

Mr. COPELAND. Let me ask the Senator another question. One dollar and seventy-six cents a hundred is the figure?

Mr. SMOOT. Yes.

Mr. COPELAND. Does the imposition of that duty add anything to the cost of sugar when we buy it?

Mr. SMOOT. When who buys it?

Mr. COPELAND. When an American citizen buys it.

Mr. SMOOT. The consumer?

Mr. COPELAND. Yes.

Mr. SMOOT. I think it does.

Mr. COPELAND. How much does that add in the course of a year—the aggregate amount?

Mr. SMOOT. Do you mean what duty is paid?

Mr. COPELAND. What is the added sugar bill of the Nation by reason of the duty?

Mr. SMOOT. Nobody could tell that.

Mr. COPELAND. Two hundred and fifty million dollars, probably.

Mr. SMOOT. The Senator says "probably."

Mr. COPELAND. Yes. Is not that about right?

Mr. SMOOT. I should think it would be the amount of the duty collected, whatever it was.

Mr. COPELAND. Let us say $200,000,000. Is that right?

Mr. SMOOT. I have not looked up the latest figures. It is a large amount.

Mr. COPELAND. The Senator says it is a large amount. Let me say for the comfort of the Senator from Utah that I am with him for a reasonable tariff on sugar, but I am attempting to point out what is the fact, and the thing which he has admitted, that by reason of this tariff the people of this country pay a tremendous amount of money which they would not pay without it.

Mr. SMOOT. The Senator goes too far there. If there were no such duty, the people would have to raise that amount of money from some other source, and they would pay it. The tax that is raised from the sugar imported into this country goes a long way toward paying the expenses of the Government; that is, to the extent of about $200,000,000. If sugar came in free, the American people would have to make up what is now collected as duty. There is no doubt about that. So it is a question whether the duty shall be on a commodity produced in the United States, with United States capital, United States labor, paying the farmer the highest price that has been paid for years.

Mr. COPELAND. That is, for sugar beets?

Mr. SMOOT. Yes.

Mr. COPELAND. Will the Senator tell the Senate and the country how much revenue the country receives from the sugar made from sugar beets?

Mr. SMOOT. There is no tax upon it, and that is a very little part of what they consume.

Mr. COPELAND. Then, in order that we may protect this very little part, we put a tariff of $1.76 a hundred, to increase the price 2 or 3 cents a pound on every pound of sugar purchased in the United States?

Mr. SMOOT. That is not so, Mr. President. There is no 2 or 3 cents a pound.

Mr. COPELAND. One dollar and seventy-six cents a hundred is 1.76 cents?

Mr. SMOOT. Yes; but it is not 2 or 3 cents.

Mr. COPELAND. When the consumer goes to buy, how much is it, then? It is pyramided, is it not?

Mr. SMOOT. No. That is one commodity sold in the United States with hardly a cent of profit in it. It is almost like changing dollars.

Mr. BROUSSARD. Mr. President, if the Senator from New York will be kind enough to yield to me, I would like to make the explanation a little clearer.

Mr. COPELAND. Certainly.

Mr. BROUSSARD. The consumption of sugar per capita in the United States is about 200 pounds. Of that, 30 pounds is bought directly as sugar by the consumer for human consumption. One hundred and seventy pounds enter into the manufacture of thousands of articles, where the duty plays no part in the fixing of the price. So that when you come here to demonstrate the case you are trying to make, you base it on 30 pounds per capita. Then, if it is found that the consumer pays all of that tariff on 30 pounds, the total is that multiplied by the people of the United States.

No one would assert that when he buys a plug of tobacco or when he buys a ham or smoked meat or ice cream or candy or sugar or other articles, where sugar is merely incidental, that the tariff on that sugar at the rate of $1.76 per hundred pounds enters into the cost to the consumer.

Mr. COPELAND. Does the tariff on tobacco enter into it?

Mr. BROUSSARD. Of course it does; very much more so.

Mr. COPELAND. Because there is more tobacco than there is sugar?

Mr. BROUSSARD. Yes. The quantity of sugar is so small there that you can not estimate it. You go and buy a stick of gum for 5 cents. If there were no sugar in that gum, it would still cost you 5 cents, or if there were twice as much sugar in it, it would still cost you 5 cents. If you cut it in half, you would have to pay the same price. It is so infinitesimal that it plays no part.

Mr. COPELAND. The Senator from Louisiana seems to be at cross purposes with the Senator from Utah. The Senator from Utah has just confessed that by reason of this tariff on sugar we are paying $200,000,000 more for sugar than we would otherwise.

Mr. SMOOT. On the importation.

Mr. COPELAND. However, the fact remains, whether we call it $250,000,000, or $200,000,000, or $100,000,000, or $50,000,000, that the tariff on sugar causes the farmer to pay more for sugar than he otherwise would pay.

Mr. President, there is another matter that enters into the welfare of the farmer. Whenever any one of us favors a farm relief bill, we are told that such a bill is violative of economic law, that it violates the law of supply and demand, and therefore that we must not pass any such unscientific thing because it is uneconomic.

Can anything be more uneconomic, any more violative of the law of supply and demand, than a protective tariff? That is the purpose of the tariff. The main purpose of the protective tariff is not to raise revenue; the main purpose is to protect American industry, and in order that there may be protection of industry, the tariff is set up to raise the threshhold and make it impossible for foreigners to compete with our home-made products.

Therefore, when these farm Senators come here and talk to us about the necessity of the one-crop farmer, why do we raise the cry against them, "This is uneconomic, this is violative of the law of supply and demand"? It is no more uneconomic and no more violative of natural law than the protective tariff system is.

Mr. McMASTER. Mr. President, will the Senator yield for a moment?

Mr. COPELAND. I am glad to yield to the Senator.

Mr. McMASTER. I desire to modify and perfect Senate Resolution 52, which is now pending for consideration before the Senate. I desire to strike out all after the first word, "*Resolved*," and substitute in lieu thereof the following language, so that the resolution then would read:

Resolved, That many of the rates in the existing tariff schedules are excessive, that the Senate favors immediate revision downward of such schedules, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all; be it further

Resolved, That such tariff revision should be considered and enacted during the present session of Congress; be it further

Resolved, That a copy of this resolution be transmitted to the House of Representatives.

Mr. SHORTRIDGE. Mr. President, if the Senator will yield, will not the Senator further perfect or modify—I think it would be perfecting the resolution—by setting forth that whereas certain of the rates of duty now imposed under existing law are too low, not adequately protective, they should be raised so as to give effective protection to the vast variety of agricultural products?

Mr. McMASTER. Mr. President, if the distinguished Senator from California will carefully read this resolution he will discover that it contains exactly that provision, stating that it is to the end that there shall be established a closer parity between agriculture and industry.

Mr. SHORTRIDGE. I have heard that phrase very often and the more frequently I hear it the less I understand it. But the Senator has, within his rights, I take it, proposed to amend his original proposed resolution, and he has recited that whereas certain rates are too high, and so forth. Now, I am asking him whether he does not agree with me that many of them are too low and should be raised. If his resolution is amended to cover that proposition some now opposed might join him and vote for its passage.

Mr. McMASTER. I have not any doubt, Mr. President, that if I should revise the resolution so as to provide that there should be a revision and a revision upward, we would get the solid vote of this side of the Chamber excepting the votes of those who favor agriculture. I have no question about that at all.

Mr. SHORTRIDGE. I hope the Senator is right in his statement.

Mr. McMASTER. I think that if any Senator who is interested in agriculture will carefully read the resolution he will decide that he can vote for it, for if that resolution is passed and is ultimately translated into law agriculture in this country will receive a distinct benefit, and furthermore, under the resolution if there is any tariff schedule on agricultural products that should be raised, it can be raised, and I believe there are agricultural schedules which should be raised.

Mr. SHORTRIDGE. Mr. President, will the Senator further yield?

Mr. COPELAND. I am very glad to yield, because I like to see a row on the other side of the Chamber.

Mr. SHORTRIDGE. It is not a row, nor a riot, nor a Democratic gathering.

Mr. COPELAND. I would recognize the last one, being familiar with it.

Mr. SHORTRIDGE. I was prompted by the Senator's courtesy to make the inquiry of my friend from South Dakota, because I think there are many items in the tariff law which should be further protected by the raising of duties imposed. I could cite a number. I think there are some products in South Dakota which need further tariff protection. I know of a very considerable number of agricultural products of California which need further protection. I further know that there is not a Democratic farmer in California who does not heartily join with his Republican neighbor in sustaining what I say and who will not sustain what I say. So, with all seriousness and not to delay the discussion further, I am hopeful still, for I am a very hopeful man, that the resolution may in terms refer to the inadequately low rates as well as to the alleged inadequately high rates.

Mr. McMASTER. If the resolution should be modified so that it would meet with the requirements of the Senator, namely, that he is desirous of raising the rates on agricultural products and that he wants to lower a number of rates on industrial products, would he vote for the resolution?

Mr. SHORTRIDGE. I would not at this time.

Mr. McMASTER. And so it goes with all those who are opposed to the resolution. It does not make any difference what language is put in the resolution, they will vote against it. They simply try to throw dust and cloud the issue, misconstrue its meaning, and find fault in general.

Mr. SHORTRIDGE. I have no right to pursue the matter longer; but what good would be accomplished by the passage of the resolution?

Mr. COPELAND. Do not let me at all interfere with the discussion. Now, may we have the clerk report the resolution as modified, and then I will resume?

The PRESIDING OFFICER (Mr. WATERMAN in the chair). The resolution as modified will be read.

The legislative clerk read the modified resolution, as follows:

Resolved, That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such schedules, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all; be it further

Resolved, That such tariff revision should be considered and enacted during the present session of Congress; and be it further

Resolved, That a copy of this resolution be transmitted to the House of Representatives.

Mr. COPELAND. I assume the Senator from South Dakota intends to point out that there are certain schedules which are too high and that such schedules should be lowered?

Mr. McMASTER. I think that is in the resolution.

Mr. COPELAND. Is that the intention of the Senator?

Mr. McMASTER. I have gone into my interpretation of the import and the meaning of the former resolution, and the modified resolution has been explained many times on the floor of the Senate. I think there are many, many industrial schedules which are exorbitant, which are excessive, which are outrageous, and that those schedules ought to be lowered.

Mr. COPELAND. Mr. President, before this interesting colloquy on the other side of the aisle this situation which shows the fraternal love existing across the aisle, I had stated that in my judgment any tariff law violates economic laws.

Mr. BORAH. Mr. President, speaking about fraternal love, possibly after the Jackson Day dinner we will know more about it.

Mr. COPELAND. May I say to the Senator that I am praying all the time that we may have such a harmonious meeting as the interests of the country demand we should have, and that out of that will grow a situation which will make possible the election of a Democratic President, which will benefit the country materially.

Mr. BORAH. I agree with the Senator that there should be such a meeting as will help the country.

Mr. COPELAND. We are as one in that matter. Are there any other comments at this moment across the aisle?

Mr. FESS. "The prayer of the wicked availeth nothing," is the only comment I wish to make at this time. [Laughter.]

Mr. COPELAND. But the prayer of the righteous availeth much.

Mr. SHORTRIDGE. Will the Senator have the goodness now to tell us the name of the nominee?

Mr. COPELAND. Certainly. I shall be glad to name the nominee. The governor of my State, Alfred E. Smith, will sweep the country, and if he is nominated for President it does not make any difference what the gentlemen across the aisle do, he will be elected. [Laughter.] Is that all?

Mr. BORAH. No; that is not all. What is the position of Governor Smith on the eighteenth amendment?

Mr. COPELAND. Has the Senator from Idaho forgotten how to read the English language?

Mr. BORAH. No; but I was unable to construe it to my satisfaction. I am asking the Senator from New York now, who speaks for Governor Smith, what is his position?

Mr. COPELAND. I have no right to say I speak for Governor Smith. I do not speak for Governor Smith. Governor Smith at no time has announced himself to be a candidate for this high office. But I know enough about Governor Smith to know how he feels about the eighteenth amendment. He has said that the eighteenth amendment prohibits the manufacture and sale of intoxicating liquors, but the Volstead Act prohibits not only the sale of intoxicating liquors but it prohibits the sale of nonintoxicating liquors. I conclude that he believes, as I do, that the Volstead Act goes far beyond the spirit and letter of the amendment.

Mr. BORAH. Then I understand the position of Governor Smith is that he is in favor of the eighteenth amendment but opposed to the Volstead Act.

Mr. COPELAND. Mr. Smith has said time and time again that the Volstead Act should be modified to permit a beverage of higher alcoholic content, but within the limits of the eighteenth amendment. Regardless of whether Mr. Smith believes the Volstead Act is a proper act, Mr. Smith believes that that law and every other law while upon the statute books must be strictly enforced. The enforcement in my State has been by the State police under Governor Smith.

Mr. BORAH. As I understand the position of Governor Smith as interpreted by the Senator from New York, it is that he is in favor of the eighteenth amendment.

Mr. COPELAND. I will say that Governor Smith at no time has said that the eighteenth amendment should not be enforced.

Mr. BORAH. Am I to understand he is in favor of it?

Mr. COPELAND. I could not answer for Governor Smith in that particular matter.

Mr. BORAH. He is in favor of a strict enforcement of it, however?

Mr. COPELAND. He certainly is.

Mr. BORAH. Does the Senator know whether or not he favors leaving to the States the proposition of determining what is the alcoholic content under the Constitution?

Mr. COPELAND. Yes. I quote from the 1927 message of Governor Smith to the New York Legislature:

I believe that the duty now rests upon the legislature to pass suitable resolutions conveying in a formal manner the result of that vote to the Congress of the United States and memorializing it on behalf of the State of New York to enact at the earliest possible moment a sane, sensible, reasonable definition of what constitutes an intoxicant under the eighteenth amendment, so that harmless beverages which our people have enjoyed for more than a century may be restored to them.

In the meantime, however, it must be borne in mind that until such modification is effective the Federal statute and the eighteenth amendment are just as much the law of this State as any of our own State statutes. This has been definitely settled by a decision of the United States Supreme Court. I again warn sheriffs and peace officers generally that it is their sworn duty to enforce these laws. Failure to perform this duty I will consider as serious an offense as a failure to obey the State statutes, and when laid before me, substantiated by proper and competent testimony, I will exercise without fear or favor the power of removal wherever it is vested in me.

Mr. BORAH. Precisely; but the governor is in favor of each State determining for itself what the alcoholic content shall be?

Mr. COPELAND. The governor, as I interpret his view, is in favor of having Congress determine what is the alcoholic content which is the limit of nonintoxication and that the State, by affirmative vote of its own citizens, shall determine whether it prefers its liquor of an alcoholic content above one-half of 1 per cent but not in excess of that which is determined by Congress.

Mr. BORAH. Then I understand the governor is in favor of Congress, and not the States, fixing the alcoholic content?

Mr. COPELAND. Yes; within the limits of the modified act, is his position, as I understand it.

Mr. BORAH. Is the Senator sure about that?

Mr. COPELAND. I think I am right about it.

Mr. BORAH. Then I have misread his record.

Mr. COPELAND. Of course the Senator has misread his message, and many other Senators have misread his message; and many citizens of this country and many Democrats, even, in the country fail to understand Mr. Smith's attitude. If Mr. Smith is elected President of the United States, as I believe he will be, there will never have been in that office a man who has more strictly and thoroughly and unfailingly insisted upon law enforcement than Alfred E. Smith.

Mr. BORAH. Then in order that I may understand, because I am seeking information, let me inquire further. Since the Senator raised the question about Governor Smith being a candidate, I became interested, of course, and especially after he stated he would be elected. I understand the position of Governor Smith is that he is thoroughly in favor of enforcement of the eighteenth amendment.

Mr. COPELAND. Yes, sir.

Mr. BORAH. That as Chief Executive he will exert all the powers in his control to enforce the eighteenth amendment?

Mr. COPELAND. Absolutely.

Mr. BORAH. That he is not in favor of the States fixing the alcoholic content but that he is in favor of Congress fixing the content?

Mr. COPELAND. Yes; as I interpret his views.

Mr. BORAH. Then what is the difference between his position and the position which we now occupy under those two laws? Congress has already fixed the alcoholic content.

Mr. COPELAND. Which is——

Mr. BORAH. I know what it is, but the Senator said the governor is in favor of Congress fixing it, and if that is true he must accept what Congress fixes.

Mr. COPELAND. And he has accepted it.

Mr. BORAH. Then if he is in favor of Congress fixing it and Congress fixes it at what it is now, would the governor stand for what Congress does?

Mr. COPELAND. He certainly would—that is his sworn duty.

Mr. BORAH. That is what I wanted to know.

Mr. COPELAND. And under no circumstances and at no time has he said that he wished to violate or nullify the law enacted by Congress.

Mr. BORAH. I am not charging anything against Governor Smith at all. I have a very fine riding horse which bears his name and I am made to think of him every morning. I am not attacking, but seeking information.

Mr. COPELAND. And the more the Senator is with his horse the better he thinks of humanity.

Mr. BORAH. Sometimes that is true; but I understood the governor to be in favor of each State fixing the alcoholic content, and that is the reason why he supported a referendum in New York. The referendum in New York provided that the alcoholic content was to be in accordance with the declaration or position taken by each State. Governor Smith signed it and supported it. Do I understand that he has receded from that position?

Mr. COPELAND. No; he has not changed his position. I have no reason to doubt that he holds to the opinion he expressed at the time of the Mullan-Gage repeal. I quote:

> It seems to me that common sense, backed up by good medical opinion, can find a more scientific definition of what constitutes an intoxicating beverage. Such a definition should be adopted by Congress as a proper and reasonable amendment of the Volstead Act and a maximum alcoholic content should be prescribed by Congress which would limit all States to the traffic in liquors which are, in fact, nonintoxicating within the meaning of the eighteenth amendment.
>
> Subject to that limitation each State should therefore be left free to determine for itself what should constitute an intoxicating beverage. States which then wish to limit traffic to beverages containing not more than one-half of 1 per cent of alcohol would be free to do so and those which desire to extend the traffic to the maximum limitation allowed by Federal statute would be equally free to do so.

Mr. BORAH. Then he still holds to the doctrine which was announced in the New York referendum?

Mr. COPELAND. May I state once more for the benefit of the Senator that in common with many other citizens, and I am one of them, the governor of my State believes that when the Volstead Act was passed it fixed an alcoholic content far below an alcoholic content which is truly intoxicating. I have heard eminent citizens, Members of this body——

Mr. BORAH. Let us stop right there.

Mr. COPELAND. All right.

Mr. BORAH. The Congress did fix that alcoholic content.

Mr. COPELAND. Yes; it did.

Mr. BORAH. And the governor, the Senator said, is in favor of Congress fixing the alcoholic content?

Mr. COPELAND. Yes.

Mr. BORAH. Then, why is he not satisfied with what Congress did?

Mr. COPELAND. The governor, in a very recent statement, said that if a citizen or any group of citizens became dissatisfied with the law that citizen or that group of citizens would have a perfect right to find fault with it.

Mr. BORAH. Of course.

Mr. COPELAND. And that is what he has done.

Mr. BORAH. Then he is not in favor of the alcoholic content as fixed by the Congress.

Mr. COPELAND. Does the Senator mean Governor Smith indorses an alcoholic content which is intoxicating?

Mr. BORAH. I think that it is important whether we are in favor of Congress fixing the alcoholic content, or in favor of each State fixing it, as the New York referendum provided. To be candid, I understand Governor Smith's position to be that each State should fix the alcoholic content to suit itself. But the Senator states that his understanding is that Governor Smith is in favor of Congress fixing the alcoholic content. If that be true, he must be satisfied with what Congress did, and Congress has fixed the alcoholic content that is found in the Volstead Act.

Mr. COPELAND. When the Senator said he is satisfied, does that mean that he must never under any circumstances find fault with it or seek to modify the law?

Mr. BORAH. He could not modify the proposition as to whether or not Congress was to fix it. He might ask Congress to fix it higher or lower. But the question is, Who is to fix the content—Congress or the States?

Mr. COPELAND. That is what he is asking for.

Mr. BORAH. But does he propose to leave it to Congress ultimately to fix the alcoholic content?

Mr. COPELAND. I so understand.

Mr. NEELY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from West Virginia?

Mr. COPELAND. Yes.

Mr. NEELY. The distinguished Senator from Idaho has asked the able Senator from New York to state the attitude of an alleged candidate for President on the Democratic ticket toward the eighteenth amendment. I ask the wise and courageous Republican Senator from Idaho to state the position of his party's President on the eighteenth amendment?

Mr. BORAH. Mr. President, if anybody ever announces his candidacy for the Republican nomination, I am going to ask him. [Laughter.]

Mr. NEELY. Does the Senator believe that he could obtain a responsive answer from the present incumbent?

Mr. BORAH. The present occupant of the chair?

Mr. NEELY. No; the present occupant of the White House.

Mr. BORAH. If I should ask him what?

Mr. NEELY. If the Senator should ask him about his position on the eighteenth amendment, does he believe that he would receive a responsive answer?

Mr. BORAH. Yes; I think so.

Mr. CARAWAY. What would that answer be?

Mr. BORAH. I do not know.

Mr. CARAWAY. The Senator has no idea?

Mr. BORAH. I have no idea.

Mr. CARAWAY. Then, what causes the Senator to have so much faith that he would ever get an answer? Nobody else has been able to get one out of him.

Mr. BORAH. I think the President would answer it if I should ask the question, but I do not know what his answer would be.

Mr. CARAWAY. The country has asked him that question over and over again, and if the Senator has so much more influence than all the rest of the country, why did he not come to the country's relief and ask the President?

Mr. BORAH. I did not know the country had asked the President that question.

Mr. CARAWAY. The Senator did not know the country had asked the President that question? Practically every group in the country has asked it; has asked whether he was going to enforce the law or not enforce it.

Mr. BORAH. My observation has been that organizations which purport particularly to speak for the eighteenth amendment have almost universally supposed that they understood the President's position.

Mr. CARAWAY. What was that position?

Mr. BORAH. For the enforcement of the eighteenth amendment.

Mr. NEELY. For enforcement under Mr. Mellon?

Mr. CARAWAY. They appeared to be satisfied with it, did they?

Mr. BORAH. I did not say they had been satisfied.

Mr. CARAWAY. Who has been satisfied; I am curious to know.

Mr. BORAH. I assume that all these organizations have been satisfied, because they have passed resolutions indorsing the President's attitude.

Mr. CARAWAY. I have read the newspapers very carefully, but I did not know that.

Mr. BORAH. I happened to be present at one of the meetings where they passed resolutions indorsing his position.

Mr. CARAWAY. Were they unanimously passed?

Mr. BORAH. They were unanimously passed.

Mr. CARAWAY. The Senator, then, concurred in them?

Mr. BORAH. No; I did not.

Mr. CARAWAY. The Senator was present and he says the action was unanimous.

Mr. BORAH. I was speaking before the organization; I was not a member of it.

Mr. CARAWAY. Oh, the Senator was merely the voice of the organization, and not a member of it.

Mr. BORAH. I was speaking my own views.

Mr. CARAWAY. And the organization did not agree with the Senator?

Mr. BORAH. I do not know whether they did or not.

Mr. CARAWAY. And the Senator did not agree with the organization?

Mr. BORAH. They did not indorse me. [Laughter.]

Mr. NEELY. Mr. President, does the Senator from Idaho know the position of Mr. Hoover or Mr. Lowden on the eighteenth amendment?

Mr. BORAH. Mr. President, I do not know the position of a single candidate for the Republican nomination for the Presidency on this question.

Mr. CARAWAY. The Senator knows the position of the Senator from Ohio [Mr. WILLIS], does he not?

Mr. BORAH. No; I do not; but if I live and keep my health and by respectful inquiry can ascertain before the next Republican convention, I shall ascertain what their positions are.

Mr. COPELAND. And then, if the candidate does not give a satisfactory reply, since the Senator knows what Governor Smith stands for, he will vote for him?

Mr. BORAH. For Smith?

Mr. COPELAND. Yes.

Mr. BORAH. If I have no better success in finding out from Governor Smith what his position is than I have had in finding out from the Senator from New York what his position is, I shall not be able to vote for him. [Laughter.]

Mr. NEELY. The Senator from Idaho has inquired about a possible Democratic candidate's position on the eighteenth amendment. Why does he not submit a similar inquiry to some of the many prospective Republican candidates—particularly to the distinguished senior Senator from Kansas [Mr. CURTIS], who now sits within 8 feet of the Senator from Idaho, and to the stalwart Senator from Ohio who usually sits only a little farther away?

Mr. CARAWAY. Which Senator from Ohio?

Mr. NEELY. I refer to the one who is supposed to be a candidate for President [Mr. WILLIS].

Mr. CARAWAY. There is a candidate sitting right back of the Senator from Idaho. If he can not find out his sentiments, he can at least ask him.

The Senator from Idaho said he did not know the position of any candidate.

Mr. BORAH. I do not even know who the candidates are.

Mr. CARAWAY. Then let us take a day off and name some of them. [Laughter.]

Mr. BORAH. The Senator from New York stated on the floor that the Governor of New York would be the nominee of the Democratic ticket and that he would be elected. I rose in my place within a few minutes after that announcement and asked the question which I will ask of every Republican candidate when the same thing takes place. There have been a number of Senators on the Republican side, practically half of the Senate, whose names have been mentioned in connection with the presidential nomination, but there has been no announcement of their candidacy so far as I know. Whenever, however, there is such an announcement, upon this floor or elsewhere, I propose to ask the question.

Mr. CARAWAY. I hope the Senator will read the newspapers, because at least two Senators sitting on his side of the Chamber have had their hats in the ring and advertised the fact that they had put them in the ring some weeks ago. They ought to be at least recognized as candidates by Members of the Senate. [Laughter.]

Mr. BORAH. The Senator can be assured that these questions will be asked of them.

Mr. CARAWAY. Let us ask them right now. There are at least two of them present. [Laughter.]

Mr. BORAH. There is no better interrogator in the Senate than is the Senator from Arkansas.

Mr. CARAWAY. I do not pretend to speak for the Republican side because I never have been able to know exactly what the Republican Party stood for. I never dreamed that anybody knew where the present administration stood upon the question of prohibition. The Senator has assured me for the first time that some group of which he was the spokesman or before whom he spoke had actually declared that they were satisfied with what the President was doing on the question of prohibition, but I have never seen any reference to that action.

Mr. BORAH. I will bring it to the Senator to-morrow.

Mr. CARAWAY. I do not question the Senator's word, but it got so little publicity that I did not see it.

Mr. BORAH. No; it did not get a little publicity; it got entirely too much publicity, it seemed to me.

Mr. CARAWAY. I really had thought that the present administration was proceeding upon the theory that the "drys" had all the law they wanted and the "wets" had all the liquor they wanted. That has been my understanding of the present administration's attitude.

Mr. COPELAND. Mr. President——

Mr. NEELY. Mr. President, will the Senator from New York yield?

Mr. COPELAND. I yield.

Mr. NEELY. For instance, if the very dearly beloved Senator from Kansas [Mr. CURTIS] or if Mr. Hoover should become the Republican nominee for President, and the Senator should receive an answer to his inquiry about such nominee's position on the eighteenth amendment will he not be good enough also to ask the candidate if, in the event of his election, he purposes to appoint an ex-distiller or an ex-brewer Secretary of the Treasury, to supervise the enforcement of the prohibition amendment?

Mr. BORAH. That will be a very pertinent question, and I am glad the Senator from West Virginia has suggested it; I shall remember it.

Mr. COPELAND. Now, Mr. President, I want to ask a question of the Senator from Idaho. I attempted to give him an answer and an honest answer to his question. He is not satisfied with my answer. He has said, however, that no matter who may be nominated by the Republicans he is going to ask this question of him: "Where do you stand on the eighteenth amendment and where do you stand on the Volstead Act?"

Mr. BORAH. Who is going to ask that question—I?

Mr. COPELAND. The Senator from Idaho is going to ask the nominee of his party that question. The Senator from Idaho will say to the nominee of the Republican Party, "Where do you stand on the eighteenth amendment? Where do you stand on the Volstead Act? Would you under any circumstances believe in its modification?" Suppose the answer is not a satisfactory one, will the Senator from Idaho refuse to support that man for election as the Republican candidate of his party?

Mr. BORAH. Mr. President, if the Republican Party shall nominate a man for the Presidency of the United States who is not in favor of enforcing the eighteenth amendment and of standing by the Constitution as it is written, I am not going to support him.

Mr. COPELAND. Then in that case the Senator can support the candidate I have mentioned, because he is in favor of enforcing the eighteenth amendment and of the Constitution of the United States.

Mr. BORAH. Well, I do not want to commit myself to the interpretation which has been placed upon his views by the Senator from New York.

Mr. COPELAND. I assume that the Senator from Idaho will put his own interpretation upon any answer given by the Republican nominee.

Mr. BORAH. Since the Senator from New York has raised that question, I will say that I recall that when Mr. Smith became Governor of New York there was upon the statute books of the State of New York a law enacted for the purpose of carrying into effect the eighteenth amendment and the Volstead Act, which committed the State of New York to cooperation with the National Government for the purpose of enforcing the eighteenth amendment. I undertake to say that the eighteenth amendment can not be enforced in any State where the State itself through its officials does not cooperate with the National Government for its enforcement. There is not any intelligent man who does not know that the law can not be maintained and enforced without the aid of the States.

The State of New York repealed that law; the Governor of New York signed the repeal, and thereby took away the support of the State of New York from the Constitution of the United States, in this particular.

Mr. COPELAND. Mr. President, I wish to deny in set terms that that is the situation, and I do so with all respect to the Senator from Idaho. I remember that the Senator from Idaho and I had a colloquy on this subject last year or the year before, and I shall now repeat in effect what I then said.

In the first place, I want to say that the State enforcement act, the Mullan-Gage Act, could never have been repealed except by Republican votes.

Mr. BORAH. Mr. President, I perfectly agree to that statement, but if Governor Smith had vetoed that repeal the law would have now been on the statute books.

Mr. COPELAND. Very well; I concede that, and I told the Senator from Idaho last year or the year before what Governor Smith believed about it and what he said about it when he filed his approval of that repeal. He filed with it a memorandum, and any man who reads the English language can understand it. He said he favored the repeal because it created that un-American situation which we call "double jeopardy"; but at the time that he filed that memorandum, in it, in words as plain as man could write, he said:

Let me say what the repeal of the Mullan-Gage law will not do.

Its repeal will not make legal a single act which was illegal during the period of the existence of the statute.

Many communications I have received and arguments that have been made to me indicate a belief that its repeal will make possible the manufacture, sale, and distribution of light wines and beer. So far as that is concerned it will still be under the control it is to-day, subject to the provisions of the Volstead Act. Repeal of the Mullan-Gage law will not bring back light wines and beer.

The Supreme Court of the United States said:

"The Constitution, laws, and treaties of the United States are as much the part of the law of every State as its own local laws and constitution."

That means that after repeal there will still rest upon the peace officers of this State the sacred responsibility of sustaining the Volstead Act with as much force and as much vigor as they would enforce any State law or local ordinance, and I shall expect the discharge of that duty in the fullest measure by every peace officer in the State. The only difference after repeal is that to-day the police officer may take the offender for prosecution to the State court, to the Federal court, or to both. After the repeal of the Mullan-Gage law the prosecution must be where it belongs—in the Federal court. In law and in fact there is no more lawlessness in repealing the Mullan-Gage law than there is in the failure of the State to pass statutes making it a State crime to violate any other Federal penal statute.

Let it be understood at once and for all that this repeal does not in the slightest degree lessen the obligation of peace officers of the State to enforce in its strictest letter the Volstead Act and warning to that effect is herein contained as coming from the chief executive of the State of New York.

At this point, with all the earnestness that I am able to bring to my command, let me assure the thousands of people who wrote to me on this subject, and the citizens of the State generally, that the repeal of the Mullan-Gage law will not and can not by any possible stretch of the imagination bring back into existence the saloon, which is and ought to be a defunct institution in this country, and any attempt at its reestablishment by a misconstruction of the executive attitude on this bill will be forcefully and vigorously suppressed.

Let me now say what the repeal of the Mullan-Gage law will do.

Its repeal will do away entirely with the possibility of double jeopardy for violation of the laws enforcing the eighteenth amendment. By that we mean that no citizen shall be twice punished for the one offense. Under the United States Supreme Court decision in the Lanza case a citizen is to-day subjected to double trial and even to double punishment for a single offense, because such alleged offense is a violation of both the State and the Federal law. This is an unwarranted and indefensible exception to the fundamental constitutional guaranty contained in both the Federal and State Constitutions that no person shall be twice tried or punished for the same offense.

Mr. President, to repeat what I said a few months ago, practically the only effective control of the liquor business in the State of New York, either before the repeal of the Mullan-Gage Act or since, has been by the State officials. The seizure of plants, of stills, of bootleggers, has been to a great extent the work of the State police. It is not fair by direct word or by implication to accuse Mr. Smith of any lack of zeal in the enforcement of the Volstead Act, in the enforcement of the eighteenth amendment, or in the enforcement of the Constitution of the United States.

Those of us who know Mr. Smith know how devoted he is to the enforcement of law, how consistent he has been in his upholding of the Constitution. Therefore I say it is not fair, either by direct statement or by implication, to accuse this great governor, who is beloved by the people of my State, and I think equally beloved by the people of the United States. While we got into this discussion facetiously in the first place, in my judgment when the people of the United States come to understand this man there is not any question about what will happen when he is nominated for the Presidency, and I believe he will be elected President of the United States.

Mr. BLAINE. Mr. President, will the Senator yield for a question?

Mr. COPELAND. I am glad to yield to the Senator from Wisconsin.

Mr. BLAINE. I observe that the subject of the eighteenth amendment has been introduced. I assume it is meant by "the eighteenth amendment" to imply that that means prohibition.

I did not know that there was anyone so innocent as to entertain the opinion that there is any such thing as prohibition in fact; nor do I know that there is anyone who entertains the opinion that the eighteenth amendment has any effective enforcement anywhere outside of those who conscientiously believe in abstaining from the use of intoxicating liquors. So this talk about Governor Smith's position on the eighteenth amendment raises the direct question, How can any State in the Union cooperate with a Federal Prohibition Department that has been corrupt, that has been rotten to the core, many members of which have served or are serving terms in penitentiaries for the violation of the very law they have taken their oath to support?

When a prominent member of the Federal Prohibition Department only recently—I think it was Mr. Lowman—said that in the Prohibition Department corruption and graft still exist, how can any self-respecting State or governor offer cooperation to an organization that has been and is to-day honeycombed with graft and corruption?

I believe the discussion of this so-called prohibition question is beside the mark and outside of the question under discussion. Therefore I want to ask the Senator from New York, What is Governor Smith's position upon the tariff question with respect to relieving the farmers of this country, who, because of their economic enslavement, are leaving the farms by the hundreds of thousands each year? Will the Senator kindly inform us?

Mr. COPELAND. Mr. President, I thank the Senator from Wisconsin. Perhaps we have gone far enough with this prohibition discussion. The Senator from Wisconsin has just retired from the governorship of a Republican State—a Republican State where, I believe, they have an enforcement law. He says prohibition can not be enforced. There are other States governed by Republicans, and, so far as my observation goes, there is not any State in the Union where prohibition is being enforced. It is not fair to say that it is due to this man or that man, and probably it is not fair to say of the President of the United States that it is his fault.

Now, however, the Senator from Wisconsin has asked me a question about the attitude of the governor of my State regarding agriculture. I should like to quote from the governor in one of his recent messages. This is what he said:

> Any conception of the State as serving the people which omitted consideration for our basic industry of agriculture, and the great public works which will contribute to the solution of our problems of transportation and cost of living, would be unsound.

Then on another occasion he said in another message:

> The present condition of agriculture in our State is such that it requires relief at the earliest possible moment. Since the harvest of 1920 conditions have grown steadily worse, until from every section of the State reports are coming that farmers by the hundred are giving up farming and many are selling out and flocking to the industrial centers, already overcrowded.

I am glad to say that the governor of my State has a very vivid realization of the necessity of some form of farm relief.

To go back to the main discussion, I had spoken of the tariff law as violative of economic law. It is unsound, economically considered, from the standpoint of the science of economics; and the farmer is largely the victim of it, because the farmer is a large consumer.

Where do you think the manufactured steel of this country is used? In 1926 the United States Steel Corporation made a profit of $199,000,000, and the other steel corporations made large sums. The total profits on steel last year were over $300,000,000. Where did the steel go? Who bought it?

Over half the steel used in the United States is sold on the farm in the form of agricultural implements, fence wire, plowshares, hammers, axes, chains, crowbars, harness buckles, and so forth. You know the multitude of things used on the farm that are made from steel. Over half the steel consumed in this country is consumed on the farm. If you impair the buying power of the farmer, every manufacturing industry in this country is bound to suffer.

Not only is the farmer the victim of the uneconomic tariff law, and required to pay tremendous increases over real values by reason of the tariff law, but he is the victim of another violation of economic law. I refer now to the labor union; and I say of that, as I did of the tariff, that I would not have the labor union destroyed. When I was a boy the workmen on the railroad section in my village got a dollar a day. That is all they had, and they worked 12 hours. Laborers started out in early life and at the end of a short career they were still laborers; and the children of laborers were laborers.

It was not until the labor union came along, and these men were able to deal with their problem collectively, that they had any relief; and I would not for a moment do one thing to impair the usefulness or the vitality of the labor unions. But out of their organization has grown the fixing of prices for labor. The carpenter, the plumber, the mason, and all others engaged in the crafts have practically a fixed price; and, Mr. President, who can doubt that that is violative of economic law, of the law of supply and demand? The farmer, when he wants to hire somebody to work on the farm, has to compete with the high prices of the near-by village or city. His boys are attracted by the high prices of the crafts, and they go into

the city. So the farmer is the victim of the fixing of prices there. Why should not the farmer, too, have some part in the benefits of protection?

Mr. President, we have been detained so long that I do not like to go into the details that I wanted to present. I think the discussion perhaps has been much more profitable by reason of the course it did take this afternoon. I think even the Senator from Idaho [Mr. BORAH] is converted, and will vote the Democratic ticket next year; but I do want to refer to at least one item in this "tariff of abominations."

In order to save time, I send to the desk a letter and ask that it be printed in my remarks at this point. It is a letter from an independent manufacturer of aluminum, pointing out that by reason of the tariff upon aluminum it is only the great Aluminum Trust that can hope to make utensils and other products of aluminum. I had intended to comment upon that, but time does not permit.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

NEW YORK, *December 15, 1927.*

The Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I duly received your letter of December 3 in regard to the aluminum tariff.

I am glad to see that you appreciate the necessity of protecting the fabricators of aluminum ware, who require this protection and I might say that there are any number of independent fabricators who by reason of low labor costs on the other side need a certain amount of protection. On the other hand, the raw material as I wrote you is too highly protected, for which there is no necessity under prevailing conditions. The aluminum metal can probably be produced as cheaply in this country as anywhere else, which is further proven by the fact that the domestic producer has gone to Canada and Norway for additional water power and is producing metal in those countries.

Under the Wilson administration the rates of duty were as follows:

	Cents per pound
Crude aluminum	2
Semimanufactured forms	3½

The present tariff act contains the following provision under paragraph No. 374:

"Aluminum, aluminum scrap, and alloys of any kind in which aluminum is the component material of chief value, in crude form, 5 cents per pound; in coils, plates, sheets, bars, rods, circles, disks, blanks, strips, rectangles, and squares, 9 cents per pound."

As you see, therefore, there has been an increase from 2 cents to 5 cents on the raw material, and an increase from 3½ cents to 9 cents on semimanufactured forms, which is prohibitive.

The raw material is stil being brought in, but, as a 5-cent duty has to be added to the importer's price, the fabricator in this country is penalized to that extent.

In importing raw materials from the other side it is customary to insert a duty clause in the contract, so that if there is a change either up or down, it is for buyer's account; thus if the duty was reduced the buyer would immediately get the benefit. I believe that the time has come to take off the duty altogether, and that therefore—

"Aluminum, aluminum scrap, and alloys of all kinds in which aluminum is the component material of chief value in crude form" should come in free.

On this basis semimanufactured forms, including—

"Coils, plates, sheets, bars, rods, circles, disks, blanks, strips, rectangles, and squares" might be assessed 2 cents per pound.

If it is impossible at this time to put this proposition through, the very least that should be done is the reinstating of the rates under the Wilson administration of 2 cents and 3½ cents, respectively; but I still maintain that with the changes which have taken place as to production methods, coupled with the fact that the home industry has gone abroad for a large part of its production should fully justify the free listing of the raw material, as mentioned above.

I repeat again that the many independent foundries making parts of automobiles, washing machines, vacuum cleaners, and other household appliances; also the many makers of kitchen utensils would be distinctly benefited by a lower cost on this raw material, which is the chief metal used in their production, and the saving which would immediately follow should promptly be passed on to the public in its purchases of the many articles into which aluminum is fabricated.

If I can be of any further assistance, or if you require any additional information, I shall be very glad to furnish it.

Mr. COPELAND. When we discuss aluminum, however, I want to call the attention of Senators to paragraph 339 of the tariff act of 1922, found on page 25. This says that table, household, kitchen, and hospital utensils and hollow or flatware not specially provided for, composed wholly or in chief part of aluminum, shall be taxed 11 cents per pound and 55 per cent ad valorem.

Sometimes a homely illustration will bring home the significance of one of the dry paragraphs of this tariff act, and perhaps make more impressive what the law means to the average citizen.

A couple of years ago Mrs. Copeland desired to make some preserves at our house on the farm. She did not have a preserving pot big enough to accomplish what she had in mind. So she went down to the village and came back with a great, big, shiny aluminum drum. To me it looked like a very expensive and formidable utensil. I inquired from her how much she paid for it. Her reply was $4.55.

I said, "Just for fun let's find out how much you paid for the aluminum pot, and how much you paid to Mr. Mellon." So we took this aluminum utensil to the scales where she weighs herself every morning to see if she has gained any, and we found that it weighed 3 pounds. Aluminum being very light, you can see that that was quite a formidable outfit.

We looked up this paragraph 339 to find out what the tariff is on such a piece of kitchen hardware, and found that the tariff is 11 cents a pound. The pot weighed 3 pounds. Three times 11 is 33 cents. Then there was a duty of 55 per cent ad valorem, 55 per cent on the value.

We will suppose that instead of being $4.55 the price was only $3.55. Fifty-five per cent of that would be $1.95. One dollar and ninety-five cents was the ad valorem duty. Three pounds at 11 was 33 cents, which added to $1.95 makes $2.28. The pot cost $4.55. That was $2.27 for the pot and $2.28 for the jackpot, and Mr. Mellon won!

Every time a housewife, every time the wife on the farm, buys an aluminum pot or pan, pie plate, or milk pan, half the price she pays for it is added to the real value. This is an abomination made possible by reason of the protective tariff system.

I want every farm wife in America to understand that the effect of this tariff act is practically to double the prices of utensils used in the kitchen, and that extra amount is not any contribution to the Government. It is money put in the pocket of the aluminum trust, a contribution made possible by the passage of this act. And the same evil runs all through everything bought by the farmer. The Senator from South Dakota the other day gave an extensive list of the added expenses incident to the passage of that tariff act.

What are we going to do about it? We can not blame the farmers for the feeling they have. The situation is a very serious one. I spoke the other day to a farmer back in Michigan, where I was born.

Mr. BORAH. How long ago?

Mr. COPELAND. At a time when the mind of man runneth not to the contrary.

Mr. BORAH. The Senator does not look it.

Mr. COPELAND. The Senator is very kind. This man had gone away from his farm to manage one of the cooperative associations.

I asked him how the farmers were getting along. He said, "I will tell you how they are getting along. You know my farm." He has a farm of 160 acres of land. He said, "I left that farm 17 years ago. The taxes on my farm the year I left were $63. To-day they are $242."

I do not want to contend that that is due to the tariff act, or anything we could deal with; but last year the Congress levied $4,000,000,000 in taxes, the States added a billion to the taxes, and the localities five billions. Last year the taxes levied in this country amounted to $10,000,000,000, and the productive earnings of our people, the combined earnings, were only ninety billions. One-ninth of the income of the people of this country was paid in taxes.

That is not all with which the farmer has to contend. The other day the Senator from Maryland [Mr. BRUCE]—and I am sorry he is not here—spoke about farm implements, and stated that the prices of farm implements were not increased by the tariff. I remember that the Senator from Wisconsin [Mr. BLAINE] brought in a statement showing how small proportionately the importations of farm implements were to the total number consumed. Does the Senator happen to have those figures in his mind now?

Mr. BLAINE. The importations run about $2,300,000, and the production in the United States of the same farm machinery was a little over $350,000,000, as I remember, or something like that.

Mr. COPELAND. That is it; that is to say, the farmer in the United States bought less than $360,000,000 worth of farm machinery, but of that amount $350,000,000 was manufactured in this country.

The Senator from Maryland brought out this construction of the facts, that the farmer is not affected by those tariff

schedules, so far as implements are concerned, and that may be true. But the same elements that have gone into the increase of cost of manufacture of other things, meaning increased labor, increased labor affecting raw materials used in agricultural implements, and so on, have had their effect upon the prices of farm implements. So what has happened in 17 years to bring the matter to the case of this farmer friend of mine in Michigan about whom I spoke?

I insert at this point the following table showing what modern conditions have done to the prices of the implements the farmer must buy:

Implements	1914	1927
Hand corn sheller	$8.00	$17.50
Walking cultivator	18.00	38.00
Riding cultivator	25.00	62.00
1-row lister	36.00	89.50
Sulky plow	40.00	75.00
3-section harrow	18.00	41.00
Corn planter	50.00	83.50
Mowing machine	45.00	95.00
Self-dump hayrake	28.00	55.00
Wagon box	16.00	36.00
Farm wagon	85.00	150.00
Grain drill	85.00	165.00
2-row stalk cutter	45.00	110.00
Grain binder	150.00	225.00
2-row corn disks	38.00	95.00
Walking plow, 14-inch	14.00	28.00
Harness, per set	46.00	75.00

Is the farmer getting any more from the farm than he did? He is not. The farmer to-day gets no more revenue from his farm than he did 17 years ago. His production is bound to pay less because the fertility of the soil is decreasing all the time. Everything the farmer buys is doubled or trebled in price. His taxes have been multiplied four times.

Do you wonder, Mr. President, that the farmers of America are coming here and demanding relief?

I am glad that they have made this attack upon the protective tariff system, not because the attack is going to be effective in actually lowering the tariff schedules, because it probably will not be. There will be a white flag pretty soon. Those who are standing for excessive tariffs will run up the white flag. They will want to have a conference and see what they can do to fix it up. But unless the farmers of this country can find some means of relief, unless there is afforded some way for them to handle their crops, and particularly their surplus, just as sure as that the sun rises and sets there will come a Congress that will tear down the protective tariff system and destroy it utterly.

Mr. President, I do not want that to happen. I come from a great manufacturing State, not alone leading in agricultural products but toward the top, of course, in manufactured products. Perhaps many regard the city of New York as a great financial city. Almost every day somebody makes an attack upon Wall Street. You would think that the only thought of the New Yorker has to do with finance. How many times do you think of New York as a great manufacturing center?

Let me tell you something about New York City. In bulk and value the manufactured products of New York City exceed the combined products of Pittsburgh, Cincinnati, St. Louis, Milwaukee, Cleveland, Detroit, Buffalo, and Boston. That is what we turn out from the city of New York.

It would be a disaster to us to have the protective tariff destroyed. But there is a greater disaster that can come to us, and that is to have the buying power of the people of this country lowered to such a level that they are not able to buy. We do not use these products we manufacture in New York. They are sold largely to the farmers of the West. The farmers of the West are the great purchasers, as I have said with reference to manufactured steel.

There can be no prosperity in any city of America, or any State of this Union, unless there is prosperity upon the farm. So I honor the Senator from South Dakota for having brought so vividly before the Congress what will happen if there is a real attack made upon the protective tariff system. I congratulate him further because I believe that out of this strategy will come a determination on the part of this Congress to enact some measure of relief for the farmer in order that his buying power may be restored. Agriculture is our basic industry, and unless there is prosperity upon the farm there can be no continued prosperity in any section of this country. We must find some practical means of relieving the distress of the farm people of America.

Mr. SHEPPARD. Mr. President, the tariff record of the Republican Party since its return to control in 1921 demonstrates anew its subservience to privileged wealth and consolidated power. Apparently it gives no heed to the voice of progress or the warnings of history. Apparently it attaches no significance to its reverses of the last decade, and is as indifferent to the lessons of those upheavals as were the Stuarts to the commonwealth or the Bourbons to the first French Republic.

The tariff partnership between the Republican Party and predatory wealth is freighted with infinite peril to this Republic. Our tariff history since the Civil War shows how remorselessly the sheltered interests have controlled the Republican Party. Time after time the American people have cried out for relief from exorbitant tariff taxes. Time after time pretended Republican revisions have occurred, but always with the result that the outrageous Republican tariff rates have substantially remained.

In 1867 Congress directed the Secretary of the Treasury to submit a plan for the reduction of the war tariff. He appointed a widely known expert who prepared a substantial modification of the war duties after careful study both at home and abroad. This modification was indorsed by the Secretary of the Treasury and submitted to Congress in December, 1869. It was rejected by the Republican Congress and the war tariff remained.

In 1870 another simulated revision was made. On noncompeting imports, such as coffee, tea, and spices, rates were reduced, but of competing imports only one was reduced in duty—pig iron. All the war rates with these exceptions were retained.

In 1872 it was found necessary to make another effort to quiet public clamor against the Republican tariff system. The rates on tea and coffee were removed altogether and a horizontal reduction of 10 per cent was made on the other articles. Three years later, however, this small reduction was repealed and the war duties were restored.

In 1882 the popular demand was such that another fraudulent performance was deemed essential. A commission was named to prepare and recommend a scheme of tariff revision, a commission composed of high protectionists. The farce was consummated when the act based on the work of the commission—the tariff act of 1883—was put into operation, an act which kept the tariff virtually at the war level 18 years after hostilities had ceased.

In 1890 the McKinley Tariff Act not only perpetuated the war rates but increased them from 18 to 50 per cent. Unheedful of the overthrow which followed at the polls in the fall of 1890, the protest embodied in the election of a Democratic President in 1892 and of a Democratic House and Senate for the first time since the period preceding the Civil War, taking advantage of the action of the United States Supreme Court in declaring the income-tax section of the Democratic tariff unconstitutional and thereby destroying its fundamental revenue features, the Republican Party, returning to ascendancy, not on the tariff issue but on the issue of the monetary standard, passed in 1897 the Dingley Tariff Act with the tariff duties higher than those of the McKinley tariff law.

Then for 12 years the Republican Party, dominated by the stand-pat philosophy, resisted the mounting tide of public anger against this continuous tariff oppression.

Forced at last to feign another revision, the Republican Party enacted the Payne-Aldrich Tariff Act of 1909, which flouted the general desire for tariff reform and left the tariff taxes at a higher general level than they had yet known.

Then followed the loss of the House to the Republicans in 1910, the greater losses of 1912, 1914, and in 1916, the Democratic tariff act, the Underwood-Simmons law of 1913 materially reducing the oppressive duties of 1909, establishing the income tax for the first time as a permanent element of Government revenue, bringing distinct relief to the people yet injuring no legitimate enterprise.

Returning to power in 1918 and 1920 on issues not in any sense connected with the tariff, the Republican Party, ignoring the most evident facts of history, the basic change in America's economic position as a result of the World War, again fell before its idols—the interests it had fondled and nourished at the people's expense for 50 years—and enacted a tariff law, the Fordney-McCumber Act of 1922, imposing tariff rates equaling and in many instances exceeding those of any previous Republican tariff act, a law enabling favored interests to exact from the American people outrageous charges on many of the things they must possess to maintain a decent standard of living, charges falling with merciless weight on every household in the United States, falling with exceptional severity on the farmers, who must buy most of what they need in an extravagantly protected domestic market and must sell the products of their toil—the great staples of the farm—in competition with the world.

The Republican tariff leopard never changes its spots.

The Democratic Party stands for a tariff law just and fair to all concerned. History demonstrates that the people have always turned to the Democratic Party for proper readjustments in tariff legislation.

During the 67 years from 1861 to 1927 the Democratic Party has had full control of the Government for two short periods—for two years from 1893 to 1895, for six years from 1913 to 1919. In both these periods it adjusted the tariff in such way as to bring relief from excessive rates, and in the latter period, which furnished its first real opportunity in 60 years, it produced a body of legislation that marks the Democratic Party as the chief creative force to which the people must look for the maintenance of the common good. If the tariff is to be satisfactorily readjusted and revised the Democratic Party must be returned to national control.

RUSSELL & TUCKER AND OTHERS

Mr. MAYFIELD. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 620) for the relief of Russell & Tucker and certain other citizens of the States of Texas, Oklahoma, and Kansas.

Mr. WILLIS. Mr. President, I ask that the bill be read so that we may know what it is.

Mr. MAYFIELD. I am going to explain what the bill is. It is a bill which confers authority upon certain citizens of Texas to bring suit against the Government for damages sustained by the dipping of certain cattle. A similar bill passed unanimously at the last session.

Mr. WILLIS. Where is the bill now?

Mr. MAYFIELD. It is on the calendar.

Mr. WILLIS. What is the calendar number?

Mr. MAYFIELD. Calendar No. 37. A similar bill passed the Senate unanimously at the last session of Congress.

Mr. WILLIS. I would like to have an opportunity to look at the bill.

Mr. MAYFIELD. It simply confers the right on certain citizens to enter suit and have the matter determined by the Federal district court.

Mr. WILLIS. Let us have the bill read.

Mr. McMASTER. Mr. President, just a moment.

Mr. MAYFIELD. If the measure is going to be objected to I am sorry. We could pass it in half a minute. The bill passed the Senate unanimously at the last session of Congress.

The VICE PRESIDENT. The clerk will read the bill.

The legislative clerk proceeded to read the bill.

Mr. MAYFIELD. Do I understand the reading of the bill was asked for? The measure was referred to the Department of Agriculture and received the approval of the department.

Mr. WILLIS. I am perfectly willing to hear a statement from the Senator in lieu of the reading. I call his attention, however——

Mr. MAYFIELD. It is the same kind of a bill that is usually passed by the Senate conferring the right on citizens to enter suit in the courts against the Government for claims like this one.

Mr. WILLIS. I would like to ask the Senator a question. I notice in the report from the Acting Secretary of War that certain amendments are suggested.

Mr. MAYFIELD. They are included in the bill. This is a new bill. The report was made last year on the old bill and when the bill was redrafted and introduced this year it was written to conform with the suggestion of the Department of Agriculture. All of those suggested amendments are in the present bill.

Mr. WILLIS. Let me invite the attention of the Senator to another matter. I do not know that I shall ultimately object, but I want some information. I note in the report this statement:

> Referred to the Bureau of the Budget, as required by Circular No. 49 of that bureau, and the department under date of April 26 is advised by the Director of the Bureau of the Budget that the legislation contained in S. 4017 and S. 4030, even if amended as suggested in the foregoing, would be in conflict with the financial program of the President.

It seems, therefore, that the matter does not have the full approval of the department. I wish the Senator would let the bill go over temporarily until we have had time to look into it. I probably shall not ultimately object, but I should like to study it a little.

The VICE PRESIDENT. Under objection, the bill will go over.

THE TARIFF AND AGRICULTURAL RELIEF

The Senate resumed the consideration of the resolution (S. Res. 52) submitted by Mr. McMASTER, favoring a reduction of tariff schedules and the consideration of tariff legislation at the present session of Congress.

Mr. McKELLAR. Mr. President, I am very heartily in favor of the resolution proposed by the Senator from South Dakota [Mr. McMASTER], and I want for just a few moments to give my reasons for voting for the resolution.

In my judgment a tariff law such as we now have is the most unscientific method of taxation known to the taxing laws of government. For the first 125 years of our history practically all of our revenues, or the greater portion of our revenues, were raised, as we all know, by tariff duties, or duties placed on articles imported into our country. Without tariff duties we probably could not have run the Government under our Constitution and laws. It was very early found, however, that the tariff laws affected industry in the country to a tremendous degree, and a system of protection very shortly grew up. Duties were levied for the purpose of helping so-called infant industries, and from small beginnings the system grew and grew until now the levying of duties is not so much for the purpose of raising revenues as it is for the purpose of giving favored interests in our country the protection of bounties or privileges or benefits or bonuses to special interests.

My recollection is that the first tariff law was put into effect in 1789. Its principal purpose at that time was to raise revenue. It was very soon found, however, that it had a tremendous effect upon industry, and it was soon used not only for the purpose of raising revenue but for the purpose of protecting what were then known as infant industries. At first the rates of duty were small, but as the years have gone by since these infant industries have cried out for aid and have continued to receive it at the hands of the Congress.

I said, Mr. President, it was the most unscientific method of taxation known to the Government. I think that can be easily demonstrated. Under the present tariff law, which was enacted in 1922, we have been raising annually—I am using round numbers—from about $500,000,000 to $605,000,000 from customs duties. The actual cost of collecting that money is about the same as the cost of collecting the income taxes which have been levied in accordance with the income tax amendment and the law; but while the two have cost the Government about the same sum to collect, let us see what it has cost the American consuming public to collect the revenue derived from the tariff.

We secure from the customs duties under the tariff laws $605,000,000, but in order to secure that amount of revenue we place an enormous tax burden of $4,000,000,000 upon the American consumer, which goes not to the Government but to favored private interests. The sum of $4,000,000,000—and I am still speaking in round numbers—goes to the favored industries of the country in order to collect only $605,000,000 of revenue for the Government. Can there be imagined, Mr. President, a more unscientific, a more unsatisfactory, a more unjust, a more unfair, a more partial system of taxation than that? Think of it! The Government wants $605,000,000 of revenue, and in order to get that sum has to tax the American consumers $4,000,000,000 more for the benefit of private industry.

Suppose every time a dollar was collected from individual income tax the consuming public had to pay a like bonus to certain interests. In such event it would cost more than five billions of dollars. And suppose every time a dollar of corporation income tax was collected the consuming public had to pay an additional $6 to the favored interests it would cost them over seven billions of dollars. As a matter of fact, the corporate income tax is largely paid by the consumer anyway, but happily for this country the consumer does not have to pay to private interests six or seven times the amount of the tax as in the case of customs duties. A moment's thought indicates that the customs duty is the most unfair of taxes.

Mr. President, so long as it was necessary for our Government to raise that amount of revenue by means of tariff duties, of course, there was an excuse for giving these tremendous bounties, but I want to call the attention of Senators to the fact that since the adoption of the income tax amendment it is no longer necessary to raise revenues by means of customs duties. With the immense revenue that we have to-day from other sources, if we repeal every sign of a tariff law the Government could run just as well as it is now run. Without increasing corporation income taxes or individual income taxes at all we would probably have ample revenue to meet all the needs of the Government, economically administered, with the tariff laws entirely repealed. My purpose in bringing this suggestion to the attention of the Senate at this time is to say to my protectionist friends that those who want to legislate money into pockets of the favored industries by reason of the tariff law had better go a little slow about it; they had better be reasonable about it.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator from Tennessee a question?

Mr. McKELLAR. I shall yield in just one moment. They had better be reasonable about it; they had better be willing to take reasonable rates, to accept a tariff that is not so high as to crush the American consumer. They had better be willing to let the present law be modified and revised downward, because the time may arrive when the American people may come to the conclusion, which would seem to be a most natural conclusion, that such a tariff law as we now have is wholly at variance with common sense, wholly unscientific, and wholly at variance with what is right and what is just. It may not be done all at once, but the people may come to the conclusion that it is necessary to do away with these customs duties to the extent of so much a year for a period of years until they are all done away with, so that a fairer and juster method of taxation, such as the income tax law, may be resorted to instead of the antiquated, unfair, and burdensome system of customs duties for the purpose of raising revenue for the Government.

We raise nearly $900,000,000 from individual income taxes. In order to obtain that revenue we do not have to pay six or seven times that amount to favored interests. All we have to do is to impose income taxes; they are collected; nobody is injured, and no special interests are benefited. The income tax is a proper one; but when tariff duties are imposed to raise revenue for the Government it is necessary to go further and impose six or seven times the amount of the duty collected for the Government to be paid to favored interests. This subsidy has constantly grown and grown to such an extent that the time will come, in my judgment, unless the Republican majority are more reasonable than they seem to be now, when they will wish they had been reasonable in imposing customs duties. The people will not stand for such high taxes. We now impose taxes in the form of protective duties for the benefit of private interests in amount of about $4,000,000,000, an amount just about equal to the entire Federal revenues of the Nation.

I now yield to my friend from California.

Mr. SHORTRIDGE. The Senator speaks of favorite or favored interests.

Mr. McKELLAR. Yes.

Mr. SHORTRIDGE. Does he regard the agriculturists of this country—the farmers, the viticulturists, the horticulturists—as among the favorite or favored interests?

Mr. McKELLAR. Of course not, Mr. President.

Mr. SHORTRIDGE. Very well.

Mr. McKELLAR. Everybody who is informed knows that a protective tariff does not materially help the farmer of this country. A tax of 42 cents a bushel has been imposed on wheat. Is it helping the wheat farmer? Substantially it is not helping him at all. One of the announced purposes of the farm bill, the McNary-Haugen bill, against which the Senator voted was to make the tariff law on wheat effective; but the Senator voted against that bill which was designed to apply to the farmers of the country.

Mr. SHORTRIDGE. Mr. President, is the Senator addressing that remark to me, when he says I voted against some measure?

Mr. McKELLAR. The Senator voted against the McNary-Haugen bill, did he not?

Mr. SHORTRIDGE. Certainly; of course I did.

Mr. McKELLAR. That is all I asserted.

Mr. SHORTRIDGE. And the President of the United States in his veto utterly annihilated it.

Mr. McKELLAR. It may be that he annihilated it for a time, but he may have to annihilate it again.

Mr. SHORTRIDGE. Oh, he annihilated it for all time.

Mr. McKELLAR. Probably not.

Mr. CARAWAY. Mr. President, I ask to what portion of the President's veto does the Senator from California refer, because there were five different reasons given, if they may be called reasons?

Mr. McKELLAR. I do not know. The Senator from California says the President annihilated it; and the President did annihilate it for a time, as he had a right to do. But it is still before the Congress and will most likely pass again.

Mr. SHORTRIDGE. He vetoed the measure on the ground that it was unconstitutional. That was one of the reasons, and that was a sufficient reason.

Mr. CARAWAY. And the next reason he said was because it did not include all the farmers. If it was unconstitutional, why did he want to have the remainder of the farmers brought under it?

Mr. SHORTRIDGE. That was true of the bill. I think the viticulturist and the horticulturist are farmers.

Mr. CARAWAY. The President maintained that it was unconstitutional because it did not extend its provisions to all classes of farmers.

Mr. SHORTRIDGE. I answer, he wanted to give abundant reasons for vetoing the bill, and therefore, he gave more than one reason.

Mr. CARAWAY. There are enough of them, if that is what the Senator means by "abundant."

Mr. McKELLAR. Just one moment, and then I will yield further to the Senator from Arkansas. Referring to the Senator from California, I will say that I doubt if the farmers of his State or of the country at large will appreciate his attempted defense of them, for the reason that having voted against them every chance he got in connection with measures which they favored, I doubt very much whether they are going to pay a great deal of attention to "Greeks bearing gifts," and my handsome and distinguished friend is one of the Greeks bearing gifts in this connection.

Mr. SHORTRIDGE. Will the Senator permit me to say—and the country, I trust, will excuse me for saying it——

Mr. McKELLAR. I am sure it will. I have already done it.

Mr. SHORTRIDGE. That I was elected by the largest majority of any Senator of the United States who was a candidate at the last election.

Mr. McKELLAR. I congratulate the Senator upon his large majority.

Mr. SHORTRIDGE. And there was not one farmer or agricultural association in the State of California that protested against my vote against the bill to which reference has been made.

Mr. NEELY. Mr. President, will the Senator from Tennessee yield to me?

Mr. McKELLAR. I yield.

Mr. NEELY. In view of what the Senator from California has said, I think we ought to apologize and bring the marines from Nicaragua and invite Nicaragua to come to California to supervise the elections there. [Laughter.]

Mr. SHORTRIDGE. I will state why I received such a vote. It was because there were so many splendid men and women from West Virginia and from Tennessee who moved to California and became Republicans and voted for me.

Mr. McKELLAR. It is strange how some folk will go wrong.

Mr. CARAWAY. I did not know that people of either State voted in California.

Mr. McKELLAR. If any Tennesseeans and West Virginians went out there and voted, they might have swelled the majority of the Senator, but perhaps they did not have the right to vote there.

Mr. SHORTRIDGE. There were some splendid citizens from Arkansas also, let me add, who approved of my record and voted for me.

Mr. CARAWAY. Mr. President, why not settle this one question? I notice my friend from California seems to think that nobody ever was good until he turned Republican. Of course, that is a case of concealing one's virtue. However, I was not intending to speak of that. What I wanted to call attention to was the fact, if the Senator from Tennessee will pardon me further, that I have discovered upon the other side of the Chamber, led by the distinguished Senator from California, that they are in favor of the farmer having anything that he does not want and that will not help him.

Mr. McKELLAR. I think so.

Mr. CARAWAY. But if he wants it, or if it will help him, they are opposed to him having it. That sums up rather accurately their position, does it not?

Mr. McKELLAR. I am going to see whether it does, because I am going to ask the Senator from California this question: Is he in favor of revising the farm schedules of the tariff in such a way as to benefit the farmer?

Mr. SHORTRIDGE. I think there are quite a number of farm products now partly protected under the law as to which the rates should be increased.

Mr. McKELLAR. Will the Senator vote for the resolution now pending so as to help the farmers, who everybody, even the President of the United States, who vetoed the measure for their relief, agrees should be helped in some way? Is the Senator willing to vote for the resolution of the Senator from South Dakota, so that the schedules may be revised in the interest of the farmers of the United States?

Mr. SHORTRIDGE. Mr. President——

Mr. McMASTER. Mr. President, will the Senator from Tennessee allow me to make a brief statement so as to make the situation plain?

Mr. SHORTRIDGE. Very well; make it plain to me. [Laughter.]

Mr. McMASTER. I will endeavor to make it plain to the Senator.

Mr. McKELLAR. Go ahead; I will be glad to have the interruption.

Mr. McMASTER. I wish to say to the Senator from Tennessee and to the Senator from California that under the revised language of the pending resolution, if it should be adopted and action should be taken in accordance with its expression, we can then raise the agricultural schedules; there can be no question about that; and if the Senator from California desires to raise those schedules to help the farmer he can vote for this resolution.

Mr. SHORTRIDGE. Mr. President——

Mr. McKELLAR. Mr. President, will the Senator from California excuse me, so that I may submit to him a revised question? Under the statement made by the Senator from South Dakota, the author of the resolution, that under his amended resolution the rates can be revised, and revised upward, so as to aid the farmer, in his opinion—and I imagine in the opinion of the Senator from California—will the Senator from California vote for the resolution now? If not, why not?

Mr. SHORTRIDGE. I answer that question categorically "no"; and I can give, I think, many good reasons why this resolution should not pass, why it is unnecessarily taking up the time of the Senate; why, if passed, it would be unavailing; why it is not opportune.

Mr. McKELLAR. Mr. President, I understood the Senator to say that these rates could be revised so as to aid the farmer, and that he wanted that done.

Mr. SHORTRIDGE. Certainly.

Mr. McKELLAR. Then it is not unavailing. It would be availing. So I ask the Senator, now that he sees the opportunity under the wording of the resolution to have these rates raised so as to help the farmers whose friend he says he is, and all of whom voted for him in his State, is he not willing to do the right thing by the farmers and vote for this resolution, so that they can have some measure of relief?

Mr. SHORTRIDGE. My answer has already been given; but, since the question is again propounded, I further reply that I think this resolution is very inopportunely presented. I do not think it would be effective. It would not avail anything. Moreover, I think the Senator from Tennessee would do everything in his power to prevent the raising of any rate. If I understand correctly, he is opposed to the whole protective tariff system, and particularly would have all the rates on agricultural products removed; but I answer that I shall oppose this resolution in its present form or its modified form.

Let me ask a question, however.

Mr. McKELLAR. One moment. The Senator would oppose this resolution in any form, would he not?

Mr. SHORTRIDGE. As of now; yes—as of now, and originating here in the Senate. This is no place for it. We could not even introduce a bill on the subject.

Mr. McKELLAR. We could not originate it anywhere else.

Mr. SHORTRIDGE. It seems to me it is no great tribute to our intelligence, it is no great tribute to the Senate, to waste its time in this manner; and that I say prostrating myself in apology before the Senator from South Dakota. But let me ask the Senator, is he in favor now of repealing or lowering the duties on any one agricultural product?

Mr. McKELLAR. Mr. President, so far as the duties on agricultural products are concerned, I have very different notions from those of the Senator from California on that subject. I doubt very much whether any rates on farm products are effective. I doubt if they can be made effective. Apparently they are not effective now. If we are to have tariff duties, however, some scheme or method must be devised by which they can be made effective for the farmer just as they are now effective for industry. So, under those circumstances, I am very much in favor of our revising the schedules, taking them up and discussing them, and if they can be changed in some wise that will benefit the farmers of the country I shall be very happy to see them benefited, because I am one of those who believe that the farmers of the country are being discriminated against by Federal law. I believe that the farming industry should be equalized with the other industries of the country, and for that reason, among many others, I would welcome the opportunity to revise the tariff at this time.

Of course, I think the present tariff duties are entirely too high. They are the highest ever imposed. I think the schedule of rates now imposed under the Fordney-McCumber Act is entirely too high and should be revised, and revised downward, for the benefit of the farmers and for the benefit of the consumers and of all the people of the United States.

Mr. SHORTRIDGE. But the Senator does not answer my question. To make it a little more specific, is the Senator in favor of reducing the rate, for example, on oranges, on lemons, on grapefruit, on rice, on walnuts, on almonds, on wheat? Is he in favor of reducing those or any of those rates?

Mr. McKELLAR. I do not know, and I shall not know until we have the matter considered. It ought to be considered in committee; it ought to be considered and debated here, and when so considered we should vote upon it; and when it is I expect to vote on it as my best judgment dictates. I know that the present rates now do not do the farmers any real good. I know that the rates we now impose generally are entirely too high. I am in favor of their revision downward at the earliest possible moment. I do not think we ought to wait until after an election, or wait until any other time. I think it ought to be done now. Therefore, I expect to vote for the resolution of the Senator from South Dakota; and I think he deserves the commendation of all right-thinking people in the country for introducing the measure at this time.

Mr. CARAWAY. Mr. President, will the Senator explain what he means by "right-thinking people"? Does he exclude the Senators on the other side?

Mr. McKELLAR. No; I do not exclude anyone. I hope there are right-thinking people on both sides.

Mr. President, before the income tax amendment was passed customs duties, however unfair they were, could not be dispensed with because it was necessary by that means to raise money to carry on the Government. No such necessity arises now. The Government can be carried on by individual and corporation income taxes without much additional burden; so that I wish again to say to my high protectionist friends that in seeking to maintain the high rates of the Fordney-McCumber tariff law they may be playing with fire. Some day, no doubt, customs duties will be largely done away with. The commercial world is to-day too close together long to permit artificial barriers. If customs duties were a good thing, it would have been provided that they should be collected at every State line, but manifestly that would be a ruinous policy; and so the time is coming, I hope, when the entire high protective tariff policy of this country may be changed. It probably will be necessary that the change shall be brought about by successive steps. That would be the best way. That such an unfair and burdensome method of taxation should not exist for all time ought to be clear almost to any well-ordered mind. As long as it was necessary to obtain revenues for the Government in that way tariff duties were bound to be imposed; but, as I have stated before, there is no longer any absolute necessity for raising money by customs duties and our protectionist friends had better be very careful how they fight reasonable reductions of the present high tariff burdens.

Mr. President, this resolution ought to pass. I hope the House will soon pass and send over to us a tariff revision bill, and that we can speedily enact it into law.

FLOOD RELIEF

Mr. SACKETT. Mr. President, in view of the wide discussion of flood relief, the fact that bills on the subject have been introduced and are coming before the various committees of Congress, and in view especially of the feeling of those Members who have gone down into the Mississippi Valley and have seen the financial conditions of the counties there, I desire not to make a speech on the subject of flood relief but to read a communication which has been sent out to the Members of this body, in order that it may be made a part of the RECORD and be available to the committees as they are discussing this question of flood relief. It is addressed:

To all Members of Congress:

I have the honor to place before you the tabulated vote on a referendum on Mississippi flood control conducted by the Chamber of Commerce of the United States, which closed on December 15, 1927. Through this vote of the membership the Chamber of Commerce of the United States is committed in favor of the following proposals:

First. That the Federal Government should hereafter pay the entire cost of constructing and maintaining works necessary to control floods of the lower Mississippi River (2,131 votes in favor and 512 votes opposed).

Second. That the Federal Government should assume the sole responsibility for locating, constructing, and maintaining such works (2,581 votes in favor and 240 votes opposed).

Third. That there should be an adequate appropriation to insure efficient, continuous, and economic work, the funds to be available as needed (2,657½ votes in favor and 156½ votes opposed).

Fourth. That flood control of the Mississippi River should be dealt with in legislation and administration upon its own merits, separate and distinct from any other undertaking (2,629½ votes in favor and 231½ votes opposed).

These conclusions are based upon votes cast by 1,053 chambers of commerce and trade associations in every State in America. We hope

that this expression of the sentiment of American business organizations will be helpful to you in reaching conclusions as to legislation dealing with this urgent national problem.

Yours sincerely,

LEWIS E. PIERSON, *President.*

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate took a recess until to-morrow, Thursday, January 12, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 11, 1928

FOREIGN SERVICE OFFICER OF CLASS 3

John K. Davis, of Ohio, now a Foreign Service officer of class 4 to be a Foreign Service officer of class 3 of the United States of America.

INTERSTATE COMMERCE COMMISSIONER

Claude R. Porter, of Iowa, to be an Interstate Commerce Commissioner for a term expiring December 31, 1928, vice Henry C. Hall, resigned.

SUPERVISING INSPECTOR, STEAMBOAT INSPECTION SERVICE

Alexander O. Calcott, of Virginia, to be supervising inspector, third district, Steamboat Inspection Service, vice George W. Harney, deceased.

COLLECTOR OF CUSTOMS

Harvey P. Bissell, of Ridgefield, Conn., to be collector of customs, collection district No. 6, with headquarters at Bridgeport, Conn. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate January 11, 1928

ASSISTANT SECRETARY OF WAR

Charles Burton Robbins to be Assistant Secretary of War.

UNITED STATES ATTORNEYS

Edwin L. Gavin to be United States attorney, middle district of North Carolina.

Thomas J. Harkins to be United States attorney, western district of North Carolina.

UNITED STATES MARSHALS

Joseph John Jenkins to be United States marshal, middle district of North Carolina.

Harry A. Weiss to be United States marshal, northern district of West Virginia.

APPOINTMENTS IN THE ARMY

Charles Lawrence Driscoll to be second lieutenant, Medical Administrative Corps.

Michael Ambrose Hally to be chaplain with the rank of first lieutenant.

APPOINTMENTS BY TRANSFER IN THE ARMY

Sumner McBee Williams to be major, Quartermaster Corps.

Richard Head Trippe, to be first lieutenant, Finance Department.

PROMOTIONS IN THE ARMY

Walton Goodwin, jr., to be lieutenant colonel.
Winchell Ivan Rasor to be major.
Thomas Reed Holmes to be captain.
Nicholas Dodge Woodward to be captain.
Edgar William King to be captain.
Riley Edward McGarraugh to be captain.
Allan Preston Bruner to be captain.
Egbert Frank Bullene to be captain.
Mark Gerald Brislawn to be captain.
Carleton Burgess to be captain.
John Wesley Warren to be first lieutenant.
Isidore Sass to be first lieutenant.
Einar Bernard Gjelsteen to be first lieutenant.
William Elgie Carraway to be first lieutenant.
John Mark Pesek to be first lieutenant.
Herbert Bronson Enderton to be first lieutenant.
John Battle Horton to be first lieutenant.
Joseph Leander Hardin to be first lieutenant.
Carter Bowie Magruder to be first lieutenant.
William Joseph D'Espinosa to be first lieutenant.
James Reid Shand to be lieutenant colonel, Veterinary Corps.

APPOINTMENTS BY PROMOTION IN THE ARMY

Albert Urmy Faulkner to be colonel.
Frank Scott Long to be colonel.
Samuel Grant Shartle to be colonel.
Arthur Winton Brown to be colonel.
John De Camp Hall to be colonel.
Wilson Bryant Burtt to be colonel.
Philip Bradley Peyton to be lieutenant colonel.
Karl Truesdell to be lieutenant colonel.
Mark Lorin Ireland to be lieutenant colonel.
Charles Avery Dravo to be lieutenant colonel.
Charles Roberts Pettis to be lieutenant colonel.
William Dandridge Alexander Anderson to be lieutenant colonel.
Ralph Talbot Ward to be lieutenant colonel.
John Jennings Kingman to be lieutenant colonel.
Robert Philip Howell to be lieutenant colonel.
Thomas Matthews Robins to be lieutenant colonel.
Oliver Irey Holman to be major.

POSTMASTERS

ALABAMA

Sarah A. Shedd, Adamsville.
Gus L. Camp, Arab.
Frances R. Gresham, Autaugaville.
Maude A. Bosarge, Bayou Labatre.
Wert W. James, Brent.
Lawrence L. Mallette, Dozier.
Samuel F. Rickman, Ethelsville.
John H. Dixon, Goshen.
Sylvanus L. Sherrill, Hartselle.
Jake E. Wallace, Maplesville.
James Alexander, Marion Junction.
Bessie L. Glasscock, Siluria.

ALASKA

George W. Robbins, Valdez.

ARIZONA

J. Lee Conrad, Scottsdale.

ARKANSAS

Louis Reitzammer, Arkansas City.
Reuben P. Allen, Smackover.

CALIFORNIA

James H. Whitaker, Anaheim.
Walter L. Haley, Associated.
Theodore Rueger, Benicia.
Clifford M. Barnes, Big Creek.
George Cunningham, Boulder Creek.
James B. Fugate, Chino.
Ruth E. Powell, Claremont.
Robert E. Thomas, Clovis.
Presentation M. Soto, Concord.
William P. Nye, Covina.
Lela P. Meday, El Segundo.
Maude H. Parsons, Gerber.
Corinne Dolcini, Guadalupe.
Daniel McCloskey, Hollister.
Charles F. Riedle, Los Banos.
Ira B. Jones, Los Molinos.
Homer T. Riddle, Loyalton.
Thomas P. Cosgrave, Madera.
Edmund V. Wahlberg, Manhattan Beach.
Fred Lewis, Mayfield.
Raymond A. Rigor, McCloud.
Claude D. Richardson, McFarland.
Fred F. Darcy, Montebello.
Charles G. Barnes, Morgan Hill.
John H. Tittle, Needles.
George W. Archer, Norwalk.
Presley E. Berger, Ontario.
Frederick S. Lowden, Orland.
Sula D. Abbott, Placentia.
William Henson, Riverdale.
Ellery M. Murray, St. Helena.
George G. Hughes, San Bruno.
Harrie C. Caldwell, San Fernando.
Ferris F. Kelly, San Juan Capistrano.
Pastor A. H. Arata, San Luis Obispo.
Terry E. Stephenson, Santa Ana.
Grace E. Tooker, Santa Monica.
Algera M. Rumsey, Saugus.
Patrick C. Mulqueeney, Sawtelle.

Peder P. Hornsyld, Solvang.
Ruby Vinten, Terminal Island.
Wade J. Williams, Tranquillity.
Mary E. Rozier, Tuolumne.
Henry F. Stahl, Vallejo.
Ernest D. Gibson, Van Nuys.
Marshall N. Johnson, Windsor.
William J. Murray, Yucaipa.

FLORIDA

Gabriel I. Daurelle, Bowling Green.
Copers S. Weathersbee, jr., Branford.
James L. Ambrose, Bunnell.
Walter C. Gholson, Chattahoochee.
Curtis W. Swindle, Chipley.
Elisha D. Wightman, Fruitland Park.
Ernest B. Wells, Lawtey.
Eugene D. Rosenberger, Micanopy.
Samuel J. Yoder, Moore Haven.
Pearl Beeler, Nokomis.
Lola Miller, Palm Beach.
William E. Burch, Palmetto.
Lydia E. Ware, St. Andrew.
Joseph P. Hall, Sanford.

GEORGIA

J. Arthur Westbrook, Powder Springs.
Mrs. Hubert H. Berry, Sparta.

HAWAII

Edward K. Ayau, Aiea.

INDIANA

Hugh Horn, Bicknell.
Elizabeth Hatfield, Centerville.
Harry M. Weliever, Darlington.
Albert J. Baumgartner, Elkhart.
Edmond M. Wright, North Salem.
Edmund H. Imes, Westville.
Austin Palin, Wingate.

KANSAS

Frank B. Myers, Americus.
Lewis B. Blachly, Haven.
Clarence Haughawout, Onaga.

KENTUCKY

John Eversole, London.

MAINE

Doris C. Sanborn, Dryden.

MASSACHUSETTS

Samuel L. Porter, Amesbury.
Frederick H. Green, Ashburnham.
Harry F. Bingham, Ashby.
John D. Quigley, Ashland.
Albert L. Porter, Avon.
John J. Downey, Blackstone.
Lewis R. Holden, Bondsville.
Lawrence T. Briggs, Brockton.
Maynard N. Wetherell, Chartley.
William H. Lilley, Chicopee.
William Davidson, Chicopee Falls.
Walter L. Tower, Dalton.
Fred A. Campbell, Dedham.
Gilbert W. O'Neil, Gloucester.
Charles H. Slocomb, Greenfield.
Leroy E. Johnson, Groton.
Albert F. Newell, Holden.

MICHIGAN

Russell W. Swhier, St. Clair Shores.
Murl H. De Foe, Charlotte.

MISSISSIPPI

Mary Norwood, Belzoni.
Isaac J. Morris, Coahoma.
Emma M. Therrell, Florence.
David F. Fondren, Fondren.

NEBRASKA

Elmer V. Barger, Benkelman.
Dollie W. Hyndshaw, Thedford.

NORTH DAKOTA

Arthur Nelson, Courtenay.
Bernhard C. Hjelle, Mercer.

PENNSYLVANIA

J. Beaver Gearhart, Danville.
William E. Henry, Nazareth.
William E. Marsden, Nesquehoning.
Raymond A. Kistler, Palmerton.
George B. Wilcox, Portland.
Thomas Y. Tarlton, Summithill.

RHODE ISLAND

Almira B. Lewis, Ashaway.
S. Martin Rose, Block Island.
Mary V. Nichols, Bradford.
George W. Warren, Bristol.
George T. Lund, Greystone.
Hartzell R. Birch, Kingston.
Thatcher T. Bowler, Newport.
Catherine M. Green, Portsmouth.
Edwin S. Babcock, Saunderstown.
Frank A. Rixford, Woonsocket.

SOUTH DAKOTA

John D. Evans, Alpena.
John V. Drips, Belvidere.
Leroy A. Gage, Bryant.
Leonard J. Walker, Carthage.
William W. Sour, Castlewood.
Winfred E. Whittemore, Estelline.
Lee E. Buck, Flandreau.
Henry Rohrer, Madison.
John Larson, Pukwana.
Gust M. Eggen, Vienna.
Victor M. Dalthorp, Volga.
Guy M. King, Wessington.
Volney T. Warner, Woonsocket.
John W. Woods, Worthing.

TENNESSEE

John F. Gaines, Gainesboro.
Harry K. Dodson, Kenton.
Hugh G. Haworth, New Market.
William E. Hudgins, Union City.

TEXAS

Anderson J. Hixson, Abbott.
Henrietta Fricke, Brenham.
John C. Flanagan, Crystal City.
Arno L. Wahrmund, Eagle Lake.
William D. Hawthorn, Elkhart.
Vivian B. Boone, Fabens.
William N. Moore, Fort Worth.
Andrew J. Harrison, Goldthwaite.
James M. Cottle, Moran.
Sadie M. Boulware, San Angelo.
William A. Farek, Schulenburg.
Grover C. Stephens, Sierra Blanca.

UTAH

Ezra P. Jensen, Garland.
Maranda Smith, Heber.
Norman G. Allan, Wellsville.

WASHINGTON

Gertrude Keys, Manson.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *January 11, 1928*

The House met at 12 o'clock noon.

APPOINTMENT OF SPEAKER PRO TEMPORE FOR THE DAY

The CLERK. The Clerk will read a letter from the Speaker.

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 11, 1928.

I hereby designate Hon. JOHN Q. TILSON to act as Speaker pro tempore to-day.

NICHOLAS LONGWORTH.

Mr. TILSON assumed the chair as Speaker pro tempore.

PRAYER

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who has taught us to say, "Our Father," teach us to say, "Thy will be done." It is the foundation of our usefulness, hope, and redemption. Inspire us with the knowledge that the issues of life are not from without but from within. Do Thou lift up the standard of truth and wisdom before us, and may it gleam on our way. Give us the blessedness of the man whose delight is in the law of the Lord and who can tell of Thy statutes rejoicing the heart. May failure never set its cloud upon our labors. Amen.